

EXHIBIT KK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE WIMBLEDON FUND, SPC (CLASS)	
TT),)	
)	
PLAINTIFFS,)	
)	
VS.)	CASE NO.
)	2:15-CV-6633-CAS-ASJWX
)	
GRAYBOX LLC; INTEGRATED)	
ADMINISTRATION; EUGENE SCHER, AS)	
TRUSTEE OF BERGSTEIN TRUST; AND)	
CASCADE TECHNOLOGIES CORP.,)	
)	
DEFENDANTS.)	
_____)	

VIDEOTAPED DEPOSITION OF FRYMI BIEDAK

TAKEN ON

MONDAY, MARCH 25, 2019

Sandra Mitchell
C.S.R. 12553

Page 2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
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4 THE WIMBLEDON FUND, SPC (CLASS)
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7 PLAINTIFFS,)
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9 VS.) CASE NO.
10) 2:15-CV-6633-CAS-ASJWX
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12 GRAYBOX LLC; INTEGRATED)
13 ADMINISTRATION; EUGENE SCHER, AS)
14 TRUSTEE OF BERGSTEIN TRUST; AND)
15 CASCADE TECHNOLOGIES CORP.,)
16)
17 DEFENDANTS.)
18 _____)
19
20 VIDEOTAPED DEPOSITION OF FRYMI BIEDAK, taken on
21 behalf of the Plaintiff, at 10100 Santa Monica Boulevard,
22 13th Floor, Los Angeles, California, commencing at
23 10:05 a.m., Monday, March 25, 2019, before Sandra Mitchell,
24 C.S.R. 12553, pursuant to Notice.
25

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34 MICHELLE BARTFAY, VIDEOGRAPHER
35

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21	(NONE)		
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10:06:27 1 defendants Kia Jam and Integrated Administration.

2 MR. MCGONIGLE: And Timothy McGonigle for

3 Graybox, as well as for the witness.

4 THE VIDEOGRAPHER: Would the court reporter

10:06:36 5 please swear in the witness.

6 THE REPORTER: Please raise your right hand.

7 Do you solemnly swear in the cause

8 now pending to tell the truth, the

9 whole truth, and nothing but the

10:06:37 10 truth so help you God?

11 THE WITNESS: I do.

12 FRYMI BIEDAK,

13 having been duly sworn,

14 was examined and testified as follows:

10:06:45 15

16 EXAMINATION

17 BY MR. WALKER:

18 Q Please state your full name for the record,

19 ma'am.

10:06:48 20 A It's Frymi Biedak. It's F as in Frank, R, Y as

21 in yellow, M as in Mary, I as in India. B as in boy,

22 I-E, D as in dog, A as in apple, K as in kite.

23 Q How are you currently employed?

24 A I currently work for Corporate Administrative

10:07:11 25 Services.

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00:00:01 1 LOS ANGELES, CALIFORNIA, MONDAY, MARCH 25, 2019

2 AT 10:05 A.M.

3

4 THE VIDEOGRAPHER: Good morning. We are now on

10:05:14 5 the record. My name is Michelle Bartfay. I'm a

6 certified legal video specialist working with

7 eLitigation Services, Inc. I'm neither a relative nor

8 employee of any of the parties and have no financial

9 interest in the outcome of this action.

10:05:31 10 Today's date is March 25, 2019. The current

11 time is 10:05 a.m. Today's deposition is taking place

12 at 10100 Santa Monica Boulevard, Los Angeles,

13 California.

14 This is the videotaped deposition of Frymi

10:05:51 15 Biedak. The consolidated case number is 2:15-CV-6633

16 CAS-AJWx. The entitled case matter is The Wimbledon

17 Fund versus Graybox LLC, et al.

18 The court reporter today is Sandra Mitchell.

19 Counsel, will you please introduce yourself and

10:06:17 20 state whom you represent.

21 MR. WALKER: Jim Walker for the plaintiff,

22 Class TT.

23 MR. LATZER: Good morning. Eric Latzer of Cole

24 Schotz also for the plaintiff.

10:06:27 25 MR. WIECHERT: David Wiechert on behalf of

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10:07:11 1 Q And who owns that company?

2 A I don't know.

3 Q When you called me last week, the caller ID

4 showed it was from Graybox LLC.

10:07:19 5 Are you still working with Graybox LLC?

6 A No.

7 Q Do you know why the caller ID would reflect

8 that?

9 A It's on my cell phone.

10:07:28 10 Q What is the name of the entity that's on your

11 paycheck?

12 A Corporate Administrative Services.

13 Q And could please spell that? It's Corporate?

14 A Corporate Administrative Services.

10:07:40 15 Q Okay. And you don't know who owns that

16 company?

17 A No.

18 Q When was the last time that you spoke to David

19 Bergstein?

10:07:49 20 A Yesterday. I went that visit him at Taft.

21 Q And how often do you contact him week to week?

22 A It depends.

23 Q Are you in regular contact with him?

24 A I visit him, like, once a week.

10:08:04 25 Q And during your visit, I take it you're

Page 10	Page 12
<p>10:08:06 1 discussing matters that relate to his business affairs? 2 A I am helping him with his legal items presently 3 because he's not available. So I'm helping him with his 4 legal stuff and his communication to his attorneys. 10:08:22 5 Q Why is he not able to communicate with his 6 attorneys directly? 7 A Because it's only three days a week that you 8 can see him. 9 Q Are you also communicating with him with 10:08:33 10 respect to any business affairs? 11 A No. 12 Q I've handed you what's been marked as 13 Exhibit 1. 14 (Exhibit 1 was marked for 14:15:30 15 identification by the Court Reporter 16 and is attached hereto.) 17 BY MR. WALKER: 18 Q And you understand this is a deposition notice 19 that accompanied the subpoena that asked that you be 10:08:48 20 here today; correct? 21 A Correct. 22 Q How many depositions have you provided prior to 23 today's proceeding? 24 A Either six or seven. 10:08:58 25 Q When was the first one that you gave?</p>	<p>10:10:18 1 Q Well, did they relate to a particular personal 2 interest of yours, like an auto accident? 3 A No, no. 4 Q Okay. Did they relate to any personal business 10:10:26 5 that you conduct? 6 A No. 7 Q Was there any other reason for you to have been 8 at those depositions outside of your employment with or 9 for Mr. Bergstein? 10:10:38 10 A Can you explain the question? Sorry. 11 Q Yes. Is it fair to say that there was no other 12 reason for you to provide six or seven depositions 13 out -- other than the fact that you were there for 14 something relating to Mr. Bergstein's business affairs? 10:10:53 15 A To his entities. 16 Q Okay. You mean his companies? 17 A Yes. Entities related -- companies related one 18 way or the other. 19 Q What business entities does Mr. Bergstein 10:11:09 20 continue to operate? 21 A None as far -- 22 MR. MCGONIGLE: Well, I'm going to object to 23 that. I think it's irrelevant to this case. I'm not 24 sure what -- what the relevancy would be to this matter. 10:11:20 25 So any business activities that Mr. Bergstein's</p>
Page 11	Page 13
<p>10:09:02 1 A In -- it was Leonard Gumport, and it was I want 2 to say 2010. It could also be 2011. I'm not sure. 3 Q And you gave three depositions for Mr. Gumport? 4 A Uh-huh. 10:09:19 5 Q And he was representing a bankrupt -- 6 bankruptcy trustee in a matter pertaining to a couple of 7 Mr. Bergstein's companies; is that correct? 8 A As far as I recall, yes. 9 Q What were the other three or four depositions 10:09:30 10 that you provided? 11 A One was with -- in the law offices of -- it 12 was -- the person was Earl Levine, I think it was. I 13 don't -- I don't recall the law firm. It was also in 14 connection with the bankruptcy. I'm not sure. 10:09:45 15 And then there was one with Sidley and Austin. 16 I don't know -- I don't remember what that was about. 17 And then there was one, I think, in Beverly Hills. I 18 think the attorneys were Early Sullivan. I don't 19 remember what that was about. 10:10:02 20 And then there was another one recently and 21 with regards to some sort of an insurance claim. 22 Q Now, were all of the depositions you provided 23 relating in one way or the other to Mr. Bergstein's 24 business affairs? 10:10:16 25 A I don't know. I can't tell.</p>	<p>10:11:23 1 currently running I think is irrelevant and I instruct 2 her not to answer. 3 MR. WALKER: I would ask counsel to conform his 4 objections to the rules and not provide guidance to the 10:11:33 5 witness. 6 MR. MCGONIGLE: I don't think I did. I'm 7 not -- didn't coach the witness, Counsel. 8 BY MR. WALKER: 9 Q And you -- are you going to follow Counsel's 10:11:42 10 advice not to respond to that question, ma'am? 11 A Can you repeat the question? 12 Q Are you going to follow your lawyer's advice 13 and not answer the question that I just asked you? The 14 one that he objected to? 10:11:54 15 A Yes, of course. 16 Q I'd like to hand you what has been marked as 17 Plaintiff's Exhibit 2. 18 (Exhibit 2 was marked for 19 identification by the Court Reporter 14:15:30 20 and is attached hereto.) 21 BY MR. WALKER: 22 Q You had mentioned earlier that you provided a 23 deposition requested by Leonard Gumport in a bankruptcy 24 matter. And I'll represent to you that this was the 10:12:26 25 2004 examination that you provided. This is the first</p>

Page 14		Page 16	
10:12:29	1 volume of the transcript of that deposition.	10:14:55	1 overbroad and it's vague. You can answer.
	2 A Uh-huh.		2 THE WITNESS: Can you repeat the question?
	3 Q Does it appear to -- if you -- you're free to		3 BY MR. WALKER:
	4 look at it as you wish. Does it appear to be copy of		4 Q Yes. To the -- over the past ten years, to the
10:12:37	5 that transcript of Volume 1 of your deposition?	10:15:03	5 extent that the name of the company on your paycheck
	6 A I can only assume yes.		6 changed, your job did not change; correct?
	7 MR. MCGONIGLE: Well, just for the record, it		7 MR. MCGONIGLE: Same objections.
	8 doesn't look complete. I see it goes from Page 119 to		8 THE WITNESS: Until Mr. Bergstein's
	9 160.		9 incarceration, I worked for him. For David Bergstein.
10:12:56	10 BY MR. WALKER:	10:15:22	10 And then now I'm working for an entity named Corporate
	11 Q Okay. Ma'am, if you look at the top, you'll		11 Administrative Services.
	12 see it says Exhibit 46, Page 1 of 48 on the first page		12 BY MR. WALKER:
	13 there. It's on the very first page.		13 Q Is that involved or affiliated with
	14 A Yes.		14 Mr. Bergstein in any way?
10:13:07	15 Q Do you see where it says Page 1 of 48?	10:15:32	15 A I wouldn't know.
	16 A I see that.		16 Q Were you doing any work for Mr. Bergstein or
	17 Q Okay. I'm going to refer to those review so		17 any of his interests?
	18 page numbers as we walk through this.		18 MR. MCGONIGLE: During what period of time?
	19 A Okay.		19 BY MR. WALKER:
10:13:14	20 Q If that's okay?	10:15:41	20 Q Currently?
	21 A Fine with me.		21 A Currently, no. I help him with his legal
	22 Q All right. If you could turn to Page 5 of 48,		22 battles, as I said before.
	23 please.		23 Q So is it your testimony that your current
	24 A Yes.		24 position and employment has absolutely nothing to do
10:13:26	25 Q You were asked at time that what company was on	10:15:52	25 with Mr. Bergstein or any of his entities or corporate
Page 15		Page 17	
10:13:30	1 your paycheck at that time, and you responded that it	10:15:55	1 interests?
	2 was Managed Media Services, Inc.; correct?		2 MR. MCGONIGLE: Well, I'm going to object to
	3 A Yes.		3 that to the extent if she's assisting Mr. Bergstein with
	4 Q When did that change?		4 his legal affairs, then that would be protected by the
10:13:40	5 A I don't remember. I'm sorry.	10:16:04	5 attorney-client privilege.
	6 Q How many companies have appeared on your		6 So anything you're doing for Mr. Bergstein
	7 paychecks say over the last five years?		7 would be protected by the privilege.
	8 A I'm going to have to think for a second. So		8 THE WITNESS: Okay.
	9 now we are now in 2019. So '14 -- at some point it was		9 MR. WALKER: Well, actually, no. You can
10:14:08	10 Integrated Administrative Services. And then -- and	10:16:13	10 instruct her that to the extent that's the case, she can
	11 then it -- oh, wait. There was one in between. It was		11 conform her answer. But you can't instruct her how to
	12 something with financial, and then it was CAS.		12 answer the question.
	13 Q Okay. So how many companies have appeared on		13 MR. MCGONIGLE: I'm not doing that.
	14 to your paycheck over the last ten years?		14 MR. WALKER: I would again urge Counsel to
10:14:25	15 A That, I cannot. I don't remember.	10:16:23	15 comply with the rules governing objections and not
	16 Q More than ten?		16 provide guidance to the witness.
	17 A I would have to look.		17 BY MR. WALKER:
	18 Q Would it be between five and ten?		18 Q Ma'am, my question is, quite simply, are you
	19 A I can't say either way. Sorry.		19 still working for Mr. Bergstein or any of his entities
10:14:35	20 Q What is the reason that you change employers --	10:16:38	20 or commercial interests?
	21 well, let me ask it this way. During the period of the		21 A To the best of my knowledge, no.
	22 ten-year -- going back ten years, to the extent that the		22 Q When was the last time that you started working
	23 name of the company on your paycheck changed, you --		23 for Mr. Bergstein or any of his corporate interests?
	24 your job did not change; correct?		24 A Well, he got incarcerated back in -- in -- in
10:14:54	25 MR. MCGONIGLE: I object. The question's	10:16:56	25 March of last year. So that's when it pretty much

Page 18			Page 20		
10:17:00	1	ended.	10:19:25	1	foundation. It's vague.
	2	Q How many entities did Mr. Bergstein have at the		2	You can answer.
	3	time of his incarceration that were active companies?		3	THE WITNESS: I -- I would say that I, in one
	4	A I wouldn't know. I would have to look.		4	way or the other, always worked for David Bergstein.
10:17:12	5	Q What was the last -- what was the last name of	10:19:33	5	That's the way I would say, yes. Since '95.
	6	the company that was on your paycheck that was		6	BY MR. WALKER:
	7	affiliated with Mr. Bergstein?		7	Q Now, during that same period of time you were
	8	A When you say affiliated, what do you mean by		8	also working closely with Kia Jam; correct?
	9	that?		9	A No.
10:17:26	10	Q Had any involvement whatsoever to do with	10:19:44	10	Q Okay. He was not involved on any
	11	Mr. Bergstein or any of his companies or commercial		11	communications that you had with Mr. Bergstein?
	12	interests?		12	A At the time, I think it -- when we moved to the
	13	A I can't -- I don't know how to answer those		13	offices on -- on -- in Santa Monica. And I'm not sure.
	14	questions. I really don't he know.		14	As far as I recollect, Mr. Jam signed -- I think he was
10:17:39	15	Q You don't know what the last company that --	10:20:09	15	the one who signed the lease, as far as I recollect.
	16	A It's Corporate Administrative Services.		16	And the employer of record was Integrated Administrative
	17	Q The current company that's on your paycheck?		17	Services, and he -- he did not really involve me in the
	18	A It's Corporate Administrative Services. That's		18	day-to-day operations.
	19	what it's been for the last, I want to say maybe 2015.		19	Q Of what?
10:17:55	20	Q Okay. Going back before Mr. Bergstein's	10:20:36	20	A Hmm?
	21	incarceration?		21	Q Of what?
	22	A Yes.		22	A Of the company.
	23	Q Okay. And so the current company on your		23	Q Which company?
	24	paycheck is, in fact, affiliated in some way with		24	A Integrated Administrative Services.
10:18:07	25	Mr. Bergstein; correct?	10:20:43	25	Q What was the address that you moved into at
Page 19			Page 21		
10:18:08	1	A Well, I don't know how it is affiliated.	10:20:46	1	that time?
	2	Q Okay. Going to Page 8 of 48.		2	A The one Colorado Boulevard, I want to say.
	3	A Page?		3	Q And what year was that?
	4	Q There on Line 20, you see the line numbers that		4	A I want to say beginning of 2011.
10:18:36	5	are on the left side?	10:20:59	5	Q Going to Page 9 of 48.
	6	A Yes.		6	A Yeah.
	7	Q Okay. Beginning on Line 19 you were asked		7	Q There on the top four lines you said that
	8	about when you first started working with David		8	Mr. Bergstein was somehow a business associate of the
	9	Bergstein.		9	person that you worked for. Who was that person?
10:18:46	10	Is it fair say that you began working for David	10:21:17	10	MR. WIECHERT: And you're referring to in 1995,
	11	Bergstein in January of 1995?		11	Counsel?
	12	A Yes.		12	MR. WALKER: Referring to her testimony on
	13	Q And you consistently worked for him all the way		13	Line 1 through 4.
	14	up until the time his -- his incarceration?		14	MR. WIECHERT: I think that testimony relates
10:18:59	15	MR. WIECHERT: Object. The question is vague.	10:21:34	15	back to the earlier page.
	16	It lacks foundation.		16	MR. MCGONIGLE: You might want to read the
	17	THE WITNESS: I -- I don't -- I worked for -- I		17	earlier pages to put it in context.
	18	worked for a lot of people, I mean, in my time. So I --		18	THE WITNESS: Okay. Uh-huh. Oh, the people --
	19	you're talking 25 years.		19	are you talking about the people to -- that -- who
10:19:12	20	BY MR. WALKER:	10:21:55	20	introduced me to David Bergstein?
	21	Q I'm talking about from 1995 when you began		21	BY MR. WALKER:
	22	working with David Bergstein until the time of his		22	Q Yes.
	23	incarceration. Were you always working and reporting to		23	A It was Scott Fine.
	24	Mr. Bergstein during that time period?		24	Q And how do you spell that name?
10:19:24	25	MR. WIECHERT: Objection. The question lacks	10:22:04	25	A Fine, F-I-N-E, Scott.

Page 22		Page 24	
10:22:07	1 Q His name was Fine Scott?	10:24:10	1 sure, yes.
	2 A No, his name was Scott Fine.		2 BY MR. WALKER:
	3 Q Scott Fine. Thank you.		3 Q And for how long did you maintain these
	4 Going to Page 15 of 48, if you could, please,		4 spreadsheets? Over what period of years?
10:22:21	5 ma'am.	10:24:17	5 A I wouldn't know.
	6 A Yes.		6 Q Well, when was the last time that you provided
	7 Q Okay. Now, there towards the bottom you were		7 Mr. Bergstein a copy of those spreadsheets?
	8 asked: "When did you first have anything to do with		8 A For which company?
	9 spreadsheets as you've referred to it?"		9 Q Any of his companies?
10:22:38	10 And your answer was: "I want to say 2007, but	10:24:26	10 A I'm just trying to think.
	11 I'm not 100 percent sure."		11 Well, it would have been definitely before his
	12 Do you see that?		12 incarceration.
	13 A Yes.		13 Q Okay. How soon before?
	14 Q What spreadsheets are you discussing there?		14 A That, I don't remember. I would have to look
10:22:50	15 MR. WIECHERT: I'm going to object on grounds	10:24:42	15 at my records.
	16 of relevance.		16 Q Now, going to the preceding page, 14 of 48.
	17 BY MR. WALKER:		17 There at the top you were asked: "When you say the
	18 Q You can answer the question.		18 spreadsheet, what are you referring to?"
	19 A Okay. I would say reconciliations of bank		19 You said: "The tracking of banking transfers."
10:23:03	20 accounts, I'd say.	10:25:05	20 Do you see that?
	21 Q Okay. So was this something that you started		21 A Uh-huh.
	22 to do for Mr. Bergstein?		22 Q Is that a fair characterization of what the
	23 A I always kept records of everything, like I		23 spreadsheets reflected?
	24 keep of my personal life. I just like to write things		24 MR. WIECHERT: Objection. Vague and ambiguous.
10:23:21	25 down. That's all.	10:25:14	25 MR. MCGONIGLE: I'll join in that. You can
Page 23		Page 25	
10:23:22	1 Q But specifically what did the spreadsheets	10:25:16	1 answer.
	2 reflect?		2 THE WITNESS: I say it's a -- it's a keeping of
	3 A I would say it's like a checkbook that you keep		3 a -- okay. Let me just rephrase. It's keeping track of
	4 to write down the checks that you are coming in and		4 anything that happens in a bank account. Like a check
10:23:32	5 going out.	10:25:32	5 balancing -- checkbook balancing. Sorry.
	6 Q For which companies?		6 BY MR. WALKER:
	7 A Oh, my god. I don't remember.		7 Q Okay. Going to Page 17 of 48. There on Line 9
	8 Q Multiple companies; correct?		8 you were asked if you were an accountant, and your
	9 A I am sure, yes.		9 answer was no. Was that accurate at the time?
10:23:38	10 Q Okay. Did you keep a separate spreadsheet for	10:25:49	10 A It's still accurate.
	11 each of Mr. Bergstein's entities?		11 Q Okay. Have you ever been an accountant?
	12 MR. WIECHERT: Objection. That question's		12 A No.
	13 vague as to time. It lacks foundation.		13 Q Have you ever been trained or educated as an
	14 THE WITNESS: I don't remember.		14 accountant?
10:23:48	15 BY MR. WALKER:	10:25:56	15 A No.
	16 Q Starting in 2007, were you maintaining a		16 Q Have you ever held a certified public
	17 spreadsheet for each of Mr. Bergstein's entities?		17 accountancy?
	18 A I don't remember. I really don't remember. I		18 A No.
	19 would have to look at the records.		19 Q Have you ever been licensed in any respect as
10:24:00	20 Q Do you -- were you keeping spreadsheets for	10:26:02	20 an accountant?
	21 multiple companies?		21 A No.
	22 MR. WIECHERT: Objection to the question. Are		22 Q Now, at the time that you were giving this
	23 you talking about as of 2007?		23 examination that's reflected in Exhibit 2, did you
	24 MR. WALKER: Sure.		24 understand that you were under oath?
10:24:08	25 THE WITNESS: I'm -- I would -- I'm fairly	10:26:14	25 A Yes.

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10:26:14	1	Q Just as you're under oath today?	10:29:09	1	Q And that was also an entity that Mr. Jam and
	2	A Yes.		2	Mr. Bergstein were involved with; correct?
	3	Q Was the first time that you and Mr. Bergstein		3	MR. WIECHERT: Objection. No foundation.
	4	began working with Mr. Jam when you moved to the		4	THE WITNESS: I wouldn't know.
10:26:38	5	Colorado Boulevard office?	10:29:19	5	BY MR. WALKER:
	6	A I don't think so.		6	Q What was the purpose of Swartz IP?
	7	Q When did you first start working with Mr. Jam?		7	A I don't know that either.
	8	MR. WIECHERT: The question's vague and		8	Q As we sit here today, is it your testimony that
	9	ambiguous as to working with.		9	you're no longer maintaining spreadsheets for any of
10:26:51	10	BY MR. WALKER:	10:29:38	10	Mr. Bergstein's entities reflecting any banking
	11	Q You can answer the question.		11	transfers?
	12	A I think we were actually in this building, and		12	A I keep spreadsheets on entities that I have
	13	I think we moved here, I want to say either 2006 or		13	access to.
	14	2007. I think that's when Mr. Jam and his assistant		14	Q What are the names of those entities?
10:27:09	15	moved in with us, I think.	10:30:05	15	MR. MCGONIGLE: I'm going to instruct -- I
	16	Q And what was the name of his assistant?		16	think that's an irrelevant -- to this case and it's an
	17	A I think at the time it was Amy.		17	invasion of the privacy of the particular people
	18	Q And what was her last name?		18	involved. I'm going to instruct her not to answer that.
	19	A I don't remember. I think it was Amy.		19	BY MR. WALKER:
10:27:23	20	Q And then when you moved from this building, did	10:30:17	20	Q Are you going to follow your counsel's advice
	21	you then move to the Colorado Boulevard address?		21	and not respond to that?
	22	A No, I don't think so.		22	A Yes.
	23	Q What was the next address that you occupied as		23	Q Do you still possess David Bergstein's
	24	an office?		24	signature stamp?
10:27:38	25	A I think we moved to Fox Plaza.	10:30:33	25	A Yes.
Page 27			Page 29		
10:27:43	1	Q And what year was that?	10:30:34	1	Q When was last time you used it?
	2	A I don't remember, but it was not much -- I		2	MR. MCGONIGLE: I'm going to instruct her not
	3	don't think we stayed long on -- in this building.		3	to answer. That's irrelevant.
	4	Q Okay. And did Mr. Jam and his assistant move		4	BY MR. WALKER:
10:28:04	5	with you and Mr. Bergstein to Fox Plaza?	10:30:40	5	Q Are you going to follow your counsel's advice,
	6	A I don't know if it was the same assistant. I		6	ma'am?
	7	don't remember.		7	A I don't think I've used it in a long time.
	8	Q But Mr. Jam did move with you?		8	MR. MCGONIGLE: That's -- there's your answer.
	9	A As far as -- I thought he did, yes.		9	BY MR. WALKER:
10:28:21	10	Q What was the -- you're familiar with the	10:30:48	10	Q When was the last time you used it?
	11	Graybox LLC, I take it?		11	A I don't remember.
	12	A When you say familiar, what do you mean?		12	Q Did you ever maintain a -- or possess a
	13	Q You understand it was one of Mr. Bergstein's		13	signature stamp for Kia Jam?
	14	companies?		14	A I did not, but there was one. But he never
10:28:43	15	A It -- he was the manager.	10:31:04	15	gave it to me.
	16	Q What was purpose of Graybox?		16	Q Okay.
	17	A I don't know.		17	A I mean, no. He may have given it to me when he
	18	Q Are you familiar with the company called		18	was traveling. It's very possible. But, yes, there was
	19	Pineboard Holdings?		19	definitely one.
10:28:54	20	A I heard the name, yes.	10:31:12	20	Q So from time to time you would have possessed
	21	Q What was the purpose of Pineboard Holdings?		21	Mr. Jam's signature stamp?
	22	A That, I don't know.		22	A When he was traveling and he knew that his
	23	Q Are you familiar with the entity called --		23	signature would be required and the office manager
	24	initially called Swartz IP?		24	wasn't there, then he would give it to me, yes.
10:29:07	25	A I heard the name, yes.	10:31:35	25	Q If you could go to Page 44 of 48, please.

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10:31:41	1	A Page 44 we are now?	10:34:10	1	Q Yes, ma'am.
	2	Q Yes, ma'am.		2	Now, is the spreadsheet that we see on Page 46
	3	Do you see your answer starting on Line 9?		3	of 51 in Exhibit 3 --
	4	A On line 9? Yes.		4	A Is Exhibit 47.
10:32:00	5	Q Could you read that answer, that first	10:34:43	5	Q Yes. That's the way it's marked on the bottom
	6	paragraph out loud for us, please?		6	of the page. Thank you, ma'am.
	7	A From A, my answer?		7	And it's -- appears at page 46 of 51 of this
	8	Q Yes.		8	transcript; correct?
	9	A "Whenever I felt it was necessary that he --		9	A Okay. Yes.
10:32:11	10	that it -- well, look, I'm not accountant. I'm not a	10:34:54	10	Q Okay. Is this an example of the spreadsheet
	11	bookkeeper. I'm making the entries. I'm keeping track.		11	that you maintained for a particular entity, in this
	12	I'm making sure every penny is accounted for. Okay."		12	case CT1 Holdings, LLC?
	13	Q Are you still doing that for any of		13	A That looks like something I may have created,
	14	Mr. Bergstein's entities?		14	yes.
10:32:29	15	A I wouldn't even know which entities he has, so.	10:35:07	15	Q Okay. So when we talk about your spreadsheets
	16	I'm keeping spreadsheets on any account that I have		16	that you're maintaining for each entity, this particular
	17	access to.		17	page, 46 of 51 in Exhibit 3, is how those spreadsheets
	18	Q Okay. And what would the name of those		18	would appear; correct?
	19	accounts or entities be?		19	MR. MCGONIGLE: And I'll object that it
10:32:41	20	MR. MCGONIGLE: Well, I'm going to instruct her	10:35:19	20	mischaracterizes the witness' testimony and lacks
	21	not to answer. It's irrelevant and it's an invasion of		21	foundation.
	22	privacy.		22	You can answer.
	23	MR. WALKER: Whose privacy?		23	THE WITNESS: I think I've changed the format
	24	MR. MCGONIGLE: Well, it's invasion of the		24	over time drastically.
10:32:49	25	witness' privacy and whoever she's working for, so I'm	10:35:29	25	BY MR. WALKER:
Page 31			Page 33		
10:32:54	1	going to instruct her not to answer.	10:35:29	1	Q Okay. But, certainly, this is how it appeared
	2	BY MR. WALKER:		2	at the time that you were keeping this spreadsheet?
	3	Q I take it you're going to follow your counsel's		3	A In -- in 2010?
	4	advice and not respond to that question?		4	Q Yes.
10:33:01	5	A I wouldn't even know what to answer, so yes.	10:35:40	5	A Yes, I think, yeah, that's how they look like,
	6	Q Can you reach that, ma'am?		6	yes.
	7	A Yes, yes.		7	Q And who decided what columns to create with
	8	Q Okay.		8	respect to this spreadsheet?
	9	(Exhibit 3 was marked for		9	A I don't remember.
10:33:27	10	identification by the Court Reporter	10:35:52	10	Q Did you make that decision?
	11	and is attached hereto.)		11	A I don't remember. It's been so long. I don't
	12	BY MR. WALKER:		12	remember.
	13	Q Ma'am, I've handed you what is now marked as		13	Q Going about halfway down the page, a
	14	Exhibit 3.		14	transaction check No. 1004 on May 30, 2008, there was a
10:33:38	15	A Yes.	10:36:08	15	payment to K.Jam Productions; correct?
	16	Q And it is Volume 2 that continues your 2004		16	A Yes.
	17	examination under oath in the Thinkfilm bankruptcy;		17	Q Okay. And that was for a little bit more than
	18	correct?		18	\$11,000; correct?
	19	A Correct.		19	A Yes.
10:33:54	20	Q Now, I'd like to turn your attention, ma'am,	10:36:19	20	Q And the stated purpose was consulting services;
	21	to -- we'll use the same page number format that we used		21	correct?
	22	for the last volume, okay?		22	A That's what it says.
	23	A Very well.		23	Q What consulting services was K.Jam Productions
	24	Q If you could go to page 46 of 51, please.		24	providing?
10:34:08	25	A Forty-six?	10:36:31	25	MR. WIECHERT: You mean at the time that this

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<p>10:36:32 1 spreadsheet was created?</p> <p>2 MR. WALKER: Yes.</p> <p>3 MR. WIECHERT: So is there actually a date on</p> <p>4 this?</p> <p>10:36:37 5 MR. WALKER: May 30, 2008, shows the date of</p> <p>6 the transaction.</p> <p>7 MR. WIECHERT: And I'll object on relevance</p> <p>8 grounds just to a 2008 transaction.</p> <p>9 BY MR. WALKER:</p> <p>10:36:46 10 Q My question, ma'am, is what consulting services</p> <p>11 was K.Jam Productions providing that resulted in an</p> <p>12 \$11,076.93 payment?</p> <p>13 A I don't -- I don't know.</p> <p>14 Q Which company or person was the recipient or</p> <p>10:37:03 15 the beneficiary of those consulting services?</p> <p>16 A Of K.Jam Productions?</p> <p>17 Q Yes.</p> <p>18 A Well, I will have to assume -- and I know that</p> <p>19 I'm not supposed to do that -- but I can only say I</p> <p>10:37:19 20 would assume it's Kia Jam.</p> <p>21 MR. WIECHERT: Let me move to strike the answer</p> <p>22 as speculation. And the witness was actually correct in</p> <p>23 her legal assessment.</p> <p>24 MR. WALKER: Again, I would ask that Counsel</p> <p>10:37:32 25 conform their objections to the rules.</p>	<p>10:38:37 1 BY MR. WALKER:</p> <p>2 Q It states "consulting services production." Do</p> <p>3 you see that?</p> <p>4 A Yes.</p> <p>10:38:43 5 Q And who was the beneficiary or the recipient of</p> <p>6 the consulting service for which K.Jam Productions LLC</p> <p>7 was paid?</p> <p>8 MR. WIECHERT: Objection. No foundation.</p> <p>9 Speculation.</p> <p>10:39:00 10 THE WITNESS: I'm sorry. Can you repeat the</p> <p>11 question?</p> <p>12 BY MR. WALKER:</p> <p>13 Q Who was the beneficiary or the recipient of the</p> <p>14 consulting services for which K.Jam Productions was paid</p> <p>10:39:11 15 on February 8, 2009?</p> <p>16 A Well, the check was made out of CT1 --</p> <p>17 whatever -- whatever it was -- of CT1 Holdings LLC.</p> <p>18 So would this be the beneficiary?</p> <p>19 Q I'm asking you, ma'am.</p> <p>10:39:28 20 A Well, I wouldn't know one way or the other.</p> <p>21 Q What was the nature of the consulting services</p> <p>22 that were provided by K.Jam Productions LLC at this</p> <p>23 time?</p> <p>24 MR. WIECHERT: Objection. No foundation.</p> <p>10:39:49 25 THE WITNESS: I'm sorry. You're going to have</p>
Page 35	Page 37
<p>10:37:35 1 BY MR. WALKER:</p> <p>2 Q Ma'am, if you could look at page 48 of 51.</p> <p>3 A Forty-eight?</p> <p>4 Q Yes, ma'am.</p> <p>10:37:47 5 A Forty-eight. Okay.</p> <p>6 Q Okay. There on the third line we see a</p> <p>7 February 8, 2009, payment to K.Jam Productions, LLC;</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10:38:03 10 Q And again, there was an \$11,076.93 payment made</p> <p>11 to K.Jam Productions LLC that your spreadsheet tracked;</p> <p>12 correct?</p> <p>13 MR. WIECHERT: Objection. Relevance.</p> <p>14 MR. WALKER: Please allow me to finish my</p> <p>10:38:17 15 question before you interpose your objection.</p> <p>16 MR. WIECHERT: Sorry. I thought you were</p> <p>17 paused, Counsel.</p> <p>18 BY MR. WALKER:</p> <p>19 Q I'll re-ask the question, ma'am.</p> <p>10:38:25 20 What was the purpose of the \$11,076.93 payment</p> <p>21 to K.Jam Productions LLC?</p> <p>22 MR. WIECHERT: Objection. No foundation.</p> <p>23 Calls for speculation.</p> <p>24 THE WITNESS: I have no idea.</p> <p>25 ///</p>	<p>10:39:49 1 to -- I am going to ask you to repeat the question</p> <p>2 because I'm a little bit lost.</p> <p>3 BY MR. WALKER:</p> <p>4 Q What was the nature of the consulting services</p> <p>10:39:56 5 being provided by K.Jam Productions LLC as of</p> <p>6 February 8, 2009?</p> <p>7 MR. WIECHERT: Same objection.</p> <p>8 THE WITNESS: I can only, as far as I</p> <p>9 recollect, K.Jam Productions was a product -- they did</p> <p>10:40:18 10 something with movies. That's all I can say.</p> <p>11 BY MR. WALKER:</p> <p>12 Q Going down a few lines on the same date, do you</p> <p>13 see --</p> <p>14 A On same date?</p> <p>10:40:27 15 Q Yes. On February 8, 2009, do you see the</p> <p>16 payment to Kia Jam?</p> <p>17 A Yes.</p> <p>18 Q And you see that payment was for \$2,201.80;</p> <p>19 correct?</p> <p>10:40:42 20 A Correct.</p> <p>21 Q And the description was for reimbursement of</p> <p>22 expenses; correct?</p> <p>23 A That's what it says.</p> <p>24 Q When you created this spreadsheet for CT1</p> <p>10:40:55 25 Holdings, LLC, was that -- was this entry signifying</p>

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10:41:01	1 that Mr. Jam had incurred expenses on behalf of that	10:43:29	1 looked -- took the check numbers -- that's what I would
	2 company?	2	do today -- and I wrote down whom they were written to
	3 A I don't --	3	and then the amount and then I would balance. And if
	4 MR. MCGONIGLE: Objection. Relevance.	4	the account balanced, then I would assume that it was
10:41:09	5 THE WITNESS: I don't remember.	10:43:39	5 right.
	6 BY MR. WALKER:	6	BY MR. WALKER:
	7 Q When you recorded a payment to Kia Jam in this	7	Q And did you make an effort to ensure that it
	8 instance on February 8, 2009, utilizing check No. 1878	8	was right?
	9 in the amount of \$2,201.80, were you careful to ensure	9	A That, I don't remember. I really don't recall
10:41:28	10 that that entry was accurate?	10:43:47	10 what I did then.
	11 A I don't remember. I really don't remember.	11	Q Okay. With respect to the spreadsheets that
	12 Q Well, do you not remember whether or not you	12	you've maintained in the recent years, did you ensure
	13 made an effort to ensure that the transactions and the	13	that the information regarding who was being paid and
	14 payments that you recorded in these spreadsheets were	14	the amount they were being paid was accurately reflected
10:41:42	15 accurate?	10:44:01	15 in your spreadsheets?
	16 A Well, I can only say what I'm doing now and	16	MR. MCGONIGLE: Object. The question is vague
	17 what I've been doing over the years. When somebody gave	17	and it lacks foundation.
	18 me receipts of monies that he had fronted and I would	18	You can answer it.
	19 write a check or would ask accounting to write a check.	19	THE WITNESS: I'm trying the best I can to do
10:41:58	20 I would make sure that it's for the exact amount of they	10:44:09	20 everything right. If I make mistakes, you know, it's
	21 claim that they advanced funds. For example, somebody	21	human.
	22 claims mileage, I making sure that he gives me the	22	BY MR. WALKER:
	23 receipt.	23	Q And that's my point, ma'am. You were making
	24 Q So --	24	every effort -- every reasonable effort to ensure that
10:42:10	25 A That's all I can say.	10:44:17	25 the information that you recorded in your spreadsheets
Page 39		Page 41	
10:42:11	1 Q -- when you entered a payment to Kia Jam on a	10:44:20	1 was accurate; correct?
	2 specific date and noted it in one your spreadsheets, is	2	A We are all trying to do the right thing and do
	3 it fair to say that that payment was actually made?	3	a good job.
	4 A Well, if you look at the cleared items -- I	4	Q So your answer to that would be yes?
10:42:32	5 would have see the -- but you look at the cleared items	10:44:28	5 A I would -- I definitely tried with my best
	6 and it says here one, the way I remember it, and then it	6	efforts to do it right.
	7 reduced the actual balance, I would assume the payment	7	Q Okay. And by doing right, you mean to ensure
	8 was made.	8	that the information that you were putting into the
	9 Q Okay. And did you take care to ensure that the	9	spreadsheet was accurate?
10:42:44	10 entries that you made on these spreadsheet were	10:44:41	10 A Yes. I will go with that.
	11 accurate?	11	Q Going to the final page, 51 of 51, of this same
	12 A Will you -- I'm sorry. Can you explain the	12	exhibit.
	13 question?	13	A Fifty-one? Fifty-one.
	14 Q Yes, ma'am. On the -- on the spreadsheet such	14	Q There towards the kind bottom third, at the top
10:42:56	15 as the kind that we see here on page 48 of 51 --	10:45:00	15 we see a December 11, 2008, entry?
	16 A Yes.	16	A December 11, 2008. I'm sorry, give me one.
	17 Q -- of Exhibit 3, we see a series of payments, a	17	Q It's a payment K.Jam Productions LLC?
	18 series of payees, a series of amounts; correct?	18	A Yes.
	19 A Uh-huh.	19	Q Okay. And that was replaced with a cashier's
10:43:08	20 Q Did you ensure that when you entered any	10:45:13	20 check; correct?
	21 particular transaction or payment on your spreadsheets	21	A On 1/8 it says here.
	22 that the information that was provided was accurate?	22	Q Why would it have been necessary to replace the
	23 MR. WIECHERT: The question's vague and	23	payment with a cashier's check?
	24 ambiguous as to which spreadsheets Counsel is referring.	24	MR. WIECHERT: Objection. Relevance.
10:43:27	25 THE WITNESS: I -- looked -- I would say I	10:45:26	25 THE WITNESS: I don't know. I really don't

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10:45:28	1 know.	10:47:53	1 BY MR. WALKER:
	2 BY MR. WALKER:		2 Q Okay.
	3 Q Going down a little bit further. You see on		3 A I'm really sorry, but I don't.
	4 December 11, 2008, a payment to Kia Jam; correct?		4 Q Let's go to the -- let's go to the last few
10:45:36	5 A Yes.	10:47:56	5 years.
	6 Q And that was for \$1,148.31; correct?		6 A Okay.
	7 A Correct.		7 Q When -- when someone presented you with
	8 MR. WIECHERT: Objection. Relevance.		8 expenses, would you record it on the spreadsheet for the
	9 BY MR. WALKER:		9 company that they told you the expenses were incurred
10:45:44	10 Q And that was for reimbursement of expenses?	10:48:07	10 for?
	11 A That's what it says.		11 A Well, I normally would write a check -- if it's
	12 Q Does that reflect that Mr. Jam was incurring		12 a reimbursement of expenses and it's related to a
	13 expenses on behalf of CAPCO Group, LLC, the entity for		13 certain entity, then I would try to write it out of that
	14 which this spreadsheet was created?		14 particular entity, if I have receipts.
10:46:01	15 MR. WIECHERT: Objection. Relevance.	10:48:35	15 Q And how would you know that the expenses were
	16 THE WITNESS: I can only say what it says here,		16 related to a particular entity?
	17 so I don't -- I really don't know. I mean, again,		17 A Well, I guess the person would say work related
	18 somebody has -- wants to be reimbursed for his expenses,		18 to X, Y, Z.
	19 he gives me an expense -- that's what I'm doing in		19 Q In other words, that came in the form of
10:46:17	20 general: An expense report, receipts, and then a check	10:48:50	20 direction to you from whoever was requesting the
	21 is being generated.		21 payment; correct?
	22 BY MR. WALKER:		22 A You're talking now or then?
	23 Q So if Mr. -- if Mr. Jam presented you with		23 Q Throughout the entire time that you were
	24 receipts for expenses and said to charge those expense		24 recording expenses incurred for any particular entity,
10:46:32	25 to a particular entity, then you would go to the	10:49:03	25 is the way that you knew which entity to charge the
Page 43		Page 45	
10:46:36	1 spreadsheet for that entity and record the reimbursement	10:49:07	1 expenses to based upon what you were told by the person
	2 of those expenses in that spreadsheet; correct?		2 submitting the expenses for reimbursement?
	3 MR. WIECHERT: Objection. Lacks foundation.		3 A That's how it is now.
	4 No time frame.		4 Q Okay.
10:46:48	5 THE WITNESS: Back then or now?	10:49:20	5 A Back then, I don't remember how it was.
	6 BY MR. WALKER:		6 Q Is it likely that it was the same way back
	7 Q Over the course of the time that you maintained		7 then?
	8 these spreadsheets?		8 A I wouldn't know one way or the other.
	9 A I don't think I would put something in a		9 MR. WIECHERT: Calls for speculation. No
10:46:59	10 spreadsheet when I didn't have some sort of a backup	10:49:29	10 foundation.
	11 for.		11 BY MR. WALKER:
	12 Q Right. So the backup might be expense for a		12 Q Are you suggesting that in 2007, in that time
	13 dinner; correct? It might be expense for the purchase		13 frame, that if you didn't receive instructions from
	14 of a particular item. And when Mr. Jam brought you		14 someone as to which company the expenses were incurred
10:47:15	15 those receipts, would he tell you which company to	10:49:39	15 for, that you would just randomly assign them to a
	16 charge them to?		16 particular entity?
	17 MR. WIECHERT: The question's compound.		17 A I don't think I ever did that because I was not
	18 THE WITNESS: I --		18 a signer on any of the accounts. I guess somebody must
	19 MR. MCGONIGLE: Yeah, why don't we -- can we		19 have told me out of which company to write any
10:47:32	20 break that down? It is compound.	10:49:53	20 particular check to.
	21 THE WITNESS: I'm -- I don't remember -- that		21 Q Yes, ma'am.
	22 was in 2000 -- when was -- in 2000 -- in 2008. So that		22 MR. WALKER: Why don't we take a break for a
	23 was 11 years ago. I don't remember what people gave me		23 few minutes.
	24 back then, how it was record. I -- I really don't		24 MR. WIECHERT: Sure.
10:47:53	25 remember.	10:49:59	25 THE VIDEOGRAPHER: The time is 10:49 a.m. We

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<p>10:50:00 1 are now off the record. 2 (A recess was taken.) 3 THE VIDEOGRAPHER: We are back on the record. 4 The time is 11:05 a.m. 11:05:33 5 BY MR. WALKER: 6 Q Ms. Biedak, I've handed you what's been marked 7 as Exhibit 4, and would represent to you that it is 8 Volume 3 of your prior 2004 examination under oath. 9 Does that appear to be correct to you? 11:05:51 10 A It says it here. 11 (Exhibit 4 was marked for 12 identification by the Court Reporter 13 and is attached hereto.) 14 MR. WALKER: Thank you, ma'am. 11:05:55 15 BY MR. WALKER: 16 Q Using the same page numbering, if you could 17 turn to page 37 of 38, please. 18 A Thirty-seven? Yeah, I see that. 19 Q Okay. Is this a spreadsheet that you prepared 11:06:28 20 for Production Management Services, LLC? 21 A I don't recollect that format. It may be, but 22 it's just not -- it's not complete. 23 Q Why do you say that? 24 A Because if you looked at the other spreadsheet, 11:06:52 25 I always had, like -- put the actual balances and the</p>	<p>11:08:21 1 Jam, and then it says credit. So I -- the way I see it, 2 this was a cashier's check or a deposit that came from 3 Kia Jam to Production Management Services, if I 4 understand this correctly. 11:08:41 5 Q Do you recall why Mr. Jam would have been 6 paying \$200,000 to Production Management Services at 7 that time? 8 A No idea. 9 MR. WIECHERT: Objection. Relevance. 11:08:49 10 BY MR. WALKER: 11 Q Going down two line items. On March 20, 2008, 12 there was a wire transfer of \$2 million to Jerome 13 Swartz. 14 Do you see that? 11:08:59 15 A If you look at the spreadsheet, it would be a 16 credit from him. So it would have come from him, 17 because this is in the credit column. 18 Q So that was Production Management Services, 19 LLC, receiving \$2 million from Mr. Swartz? 11:09:17 20 A That's the way I see it now, yes. 21 Q If you'd go to the next page, ma'am, Page 38 of 22 Exhibit 4. 23 A Thirty-eight of 38. Yeah, I'm on the page now, 24 yes. 11:09:40 25 Q And is this another portion of a spreadsheet</p>
Page 47	Page 49
<p>11:06:55 1 bank balances and whatever cleared. So this is not 2 something that -- it looks more like a -- a fragment of 3 something that I may have created. 4 Q Okay. So this appears to be a portion of a 11:07:14 5 spreadsheet that you created for Production Management 6 Services, LLC; correct? 7 A It could be. 8 Q Okay. 9 A It could be. 11:07:21 10 Q Going approximately two-thirds of the way down, 11 on March 13, 2008, there's notation "deposit." 12 Do you see that? 13 A It's "deposit cc." 14 Q Excuse me. 11:07:44 15 What does the cc designate? 16 A What I would use it now, I would say cashier's 17 check. 18 Q And that -- was that reflecting a payment to 19 Kia Jam? I'm looking at the one for March 13, 2008, a 11:08:03 20 deposit by cashier's check, and the vendor or deposit 21 from is Kia Jam for \$200,000. 22 MR. WIECHERT: Objection. Relevance. 23 BY MR. WALKER: 24 Q Do you see that entry? 11:08:17 25 A I see an entry here and it says deposit, Kia</p>	<p>11:09:42 1 that you created for Production Management Services, 2 LLC? 3 A I would think so, yes. It looks definitely -- 4 the upper part is something, but it's -- it's just I 11:09:58 5 would not presented it this way. Maybe it was printed 6 out differently. 7 Q Going to the second -- to the last item. On 8 December 20, 2007, check No. 2112 was issued to K.Jam 9 Productions; correct? 11:10:16 10 MR. WIECHERT: Objection. Relevance. 11 THE WITNESS: That's what it says. 12 BY MR. WALKER: 13 Q And the check was issued in the amount of 14 \$11,076.93; correct? 11:10:25 15 MR. WIECHERT: Same objection. 16 THE WITNESS: That's what it says. 17 BY MR. WALKER: 18 Q Do you know the purpose for that payment to 19 K.Jam Productions at that time? 11:10:34 20 MR. WIECHERT: Same objection. 21 THE WITNESS: If it's not here, I don't 22 remember. 23 (Exhibit 5 was marked for 24 identification by the Court Reporter 11:10:38 25 and is attached hereto.)</p>

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<p>11:11:01 1 BY MR. WALKER:</p> <p>2 Q Ma'am, I've handed you what's been marked as</p> <p>3 Plaintiff's Exhibit 5. And I think you'll see that it's</p> <p>4 a series of charts; correct?</p> <p>11:11:18 5 A Yes.</p> <p>6 Q Okay. And these charts were created by the</p> <p>7 federal government in its trial against Mr. Bergstein;</p> <p>8 correct?</p> <p>9 A I've never seen them before.</p> <p>11:11:28 10 Q Well, if you look to the right corner you'll</p> <p>11 see it says Government Exhibit 50; correct?</p> <p>12 A That's what it says, yes.</p> <p>13 Q Okay. Now, the first page of Exhibit 5 looks</p> <p>14 at transfers from Swartz IP Services Group to Pacific</p> <p>11:11:45 15 Life, the Bergstein Trust, Integrated Administration,</p> <p>16 and Graybox; correct?</p> <p>17 A That's what it says, yes.</p> <p>18 Q Do you know on February 12 -- I'm sorry -- do</p> <p>19 you know on February 2nd, 2012, why Swartz IP Services</p> <p>11:12:02 20 Group would have paid \$29,000 to Pacific Life?</p> <p>21 MR. WIECHERT: Assumes facts not in evidence.</p> <p>22 MR. MCGONIGLE: I'm going to object to the</p> <p>23 extent there's no foundation.</p> <p>24 But you can answer it.</p> <p>11:12:12 25 THE WITNESS: Where do you see that -- the</p>	<p>11:13:18 1 evidence. No foundation.</p> <p>2 THE WITNESS: Oh, that's what it says on the</p> <p>3 spreadsheet, yes.</p> <p>4 BY MR. WALKER:</p> <p>11:13:25 5 Q And do you understand Integrated</p> <p>6 Administration, at that time, to have been Mr. Jam's</p> <p>7 company? Kia Jam's company?</p> <p>8 MR. WIECHERT: Calls for a legal conclusion.</p> <p>9 THE WITNESS: Can you repeat that question?</p> <p>11:13:36 10 I'm sorry.</p> <p>11 MR. WALKER: Yes, ma'am.</p> <p>12 BY MR. WALKER:</p> <p>13 Q As of February 2nd, 2012, did you understand</p> <p>14 Integrated Administration to be Kia Jam's company?</p> <p>11:13:46 15 MR. WIECHERT: No foundation. Calls for a</p> <p>16 conclusion.</p> <p>17 THE WITNESS: You want me to say something?</p> <p>18 BY MR. WALKER:</p> <p>19 Q I'd like you to answer the question, yes,</p> <p>11:13:54 20 ma'am. I'm asking for your understanding as of</p> <p>21 February 2nd, 2012, as to whether or not Integrated</p> <p>22 Administration was Kia Jam's company?</p> <p>23 A Well, when you say Kia Jam's company, what do</p> <p>24 you mean by that? Did he own it? I don't -- ownership,</p> <p>11:14:10 25 I don't know. I just can say that he was one way or the</p>
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<p>11:12:14 1 date? On the top? Okay. On that day?</p> <p>2 I have no idea. I don't even know who Pacific</p> <p>3 Life is, quite frankly.</p> <p>4 BY MR. WALKER:</p> <p>11:12:27 5 Q The next item reflects a \$50,000 transfer from</p> <p>6 Swartz IP to Bergstein trust; correct?</p> <p>7 A Yes, that's what it says.</p> <p>8 Q As of 2012, what -- what was the total value of</p> <p>9 the assets held by the Bergstein trust?</p> <p>11:12:46 10 A I have no idea.</p> <p>11 Q Do you know -- could you identify any assets</p> <p>12 individually that were held in that trust?</p> <p>13 A I never saw that -- any -- any kind information</p> <p>14 on that trust.</p> <p>11:12:58 15 Q Who was handling or managing those items and</p> <p>16 assets for Mr. Bergstein?</p> <p>17 A I don't --</p> <p>18 MR. MCGONIGLE: You mean the ones in the trust?</p> <p>19 MR. WALKER: Yes.</p> <p>11:13:08 20 THE WITNESS: I have no idea.</p> <p>21 BY MR. WALKER:</p> <p>22 Q Okay. Going down a bit, we see Swartz IP</p> <p>23 Service Group transferred \$50,000 to Integrated</p> <p>24 Administration; correct?</p> <p>11:13:18 25 MR. WIECHERT: Objection. Assumes facts not in</p>	<p>11:14:13 1 other connected with this entity. I think he had an</p> <p>2 office. That's all I can say.</p> <p>3 Q Okay. If you could turn to the third page of</p> <p>4 this exhibit, ma'am. And I apologize they're not</p> <p>11:14:37 5 numbered.</p> <p>6 A That's okay.</p> <p>7 Q You'll just have to thumb through it.</p> <p>8 A Yes.</p> <p>9 Q Okay. Now we see a chart that's entitled</p> <p>11:14:45 10 G.X.715, February 2nd, 2012, transfers from Swartz IP</p> <p>11 Services Group to Incident Administration; correct?</p> <p>12 A That's what it says.</p> <p>13 Q Okay. And it shows a transfer from Swartz IP</p> <p>14 Services Group to Integrated Administration of \$50,000;</p> <p>11:15:01 15 correct?</p> <p>16 A That's what it says.</p> <p>17 Q Now, were you maintaining a spreadsheet for</p> <p>18 Swartz IP Services Group as of February 2nd, 2012?</p> <p>19 A No. Never had one.</p> <p>11:15:15 20 Q You never a maintained spreadsheet for Swartz</p> <p>21 IP?</p> <p>22 A No.</p> <p>23 Q Why not?</p> <p>24 A Because I didn't know even -- I didn't know</p> <p>11:15:21 25 who -- I didn't know which bank there was an account</p>

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11:15:26	1 with at the time.	11:17:07	1 those transfers.
	2 Q Was that an oversight on your part?		2 BY MR. WALKER:
	3 MR. MCGONIGLE: Objection.		3 Q Ma'am, my question was, did you maintain a
	4 THE WITNESS: I was not involved.		4 spreadsheet for K.Jam Productions or K.Jam Media?
11:15:33	5 MR. MCGONIGLE: Excuse me, ma'am.	11:17:15	5 A I have no.
	6 THE WITNESS: I'm sorry.		6 Q And do you know why you did not?
	7 MR. MCGONIGLE: I just wanted to take a moment		7 A Because nobody ever told me to. Or because I
	8 to object.		8 never had access to anything. I cannot create something
	9 THE WITNESS: Sorry about that.		9 that I don't have access to.
11:15:39	10 MR. MCGONIGLE: The question is vague and	11:17:30	10 Q So to the extent that Swartz IP Services Group
	11 ambiguous.		11 transferred \$50,000 to Integrated Administration, you
	12 BY MR. WALKER:		12 would not have maintained a spreadsheet to show how that
	13 Q Was there a specific reason that you understood		13 money went from Integrated to either K.Jam Productions
	14 as to why you were not asked to create a spreadsheet for		14 or K.Jam Media?
11:15:47	15 Swartz IP?	11:17:50	15 A No.
	16 A I don't know if there was a reason I was not		16 MR. WIECHERT: Assumes facts not in evidence.
	17 asked, so I didn't maintain one.		17 BY MR. WALKER:
	18 Q Now, going on in this chart, it shows the		18 Q And I take it that's largely because Kia Jam
	19 transfer from Swartz IP to Integrated Administration.		19 did not ask you to create a spreadsheet for his
11:16:04	20 Did you maintain a spreadsheet for Integrated	11:17:58	20 companies; correct?
	21 Administration?		21 MR. MCGONIGLE: Object to that. It's --
	22 A I did not.		22 there's no foundation. It's argumentative.
	23 Q And why was that?		23 You can answer it.
	24 MR. WIECHERT: Calls for a conclusion. No		24 THE WITNESS: I'm sorry. I forget the
11:16:15	25 foundation.	11:18:06	25 questions. I really apologize.
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11:16:15	1 THE WITNESS: So do you want me not to answer?	11:18:09	1 BY MR. WALKER:
	2 BY MR. WALKER:		2 Q I take it that the reason that you didn't have
	3 Q Yes, ma'am, you can answer the question.		3 a spreadsheet for either Integrated Administration,
	4 MR. MCGONIGLE: You can -- you can answer.		4 K.Jam Productions, or K.Jam Media was because Kia Jam
11:16:21	5 THE WITNESS: Okay. Because I never know	11:18:19	5 did not ask you to prepare a spreadsheet or maintain a
	6 how -- how exact --		6 spreadsheet for those companies?
	7 Repeat the question, please. Sorry.		7 MR. MCGONIGLE: Same objection.
	8 BY MR. WALKER:		8 BY MR. WALKER:
	9 Q Yes, ma'am. Did you maintain a spreadsheet at		9 Q Is that correct?
11:16:28	10 any time for Integrated Administration?	11:18:27	10 A I would assume so, yes.
	11 A I did not.		11 Q And I take it that you also did not have access
	12 Q And do you know why you did not?		12 to the bank accounts for Integrated Administration,
	13 A I did not have access to that account online.		13 K.Jam Productions, or K.Jam Media?
	14 Q Now, this shows a transfer from Integrated		14 A I have not, no.
11:16:39	15 Administration to K.Jam Productions of \$18,000 and K.Jam	11:18:42	15 Q Is that true at all times, that you never had
	16 Media of \$33,000; correct?		16 access to the bank accounts of Integrated
	17 A That's what it says.		17 Administration, K.Jam Productions, or K.Jam Media?
	18 MR. WIECHERT: Objection. No foundation.		18 MR. MCGONIGLE: I'll object to that as
	19 There's no foundation as to whether you know whether		19 compound.
11:16:55	20 transfers occurred or not.	11:18:53	20 MR. WALKER: Well, let me -- I'll go ahead and
	21 MR. WALKER: I would -- I would ask Counsel		21 break up to address the objection.
	22 again to please conform his objections to the rules.		22 BY MR. WALKER:
	23 MR. WIECHERT: I am, Counsel. She didn't		23 Q Have you, at any time, ever had access to the
	24 create this document. You haven't laid a foundation as		24 bank accounts of Integrated Administration?
11:17:07	25 to whether she has any personal knowledge about any of	11:19:02	25 A Not as far as I recall.

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11:19:04	1	Q Have you, at any time, had access to the bank	11:21:29	1	filed; correct?
	2	accounts of K.Jam Productions?		2	A That's what it -- that's what it says on the --
	3	A Definitely not.		3	on the document, yes.
	4	Q Have you, at any time, had access to the bank		4	Q And, likewise, it states that a complete signed
11:19:14	5	records for K.Jam Media?	11:21:38	5	public information report, form 05-102 was also not
	6	A Definitely not.		6	filed; correct?
	7	Q Now, going on to the next page, we see the		7	A That's what it says, yes.
	8	chart reflects that of the \$18,000 that went to K.Jam		8	Q Okay. Were those forms and tax reports ever
	9	Productions, that that was transferred to Zarrinkelk		9	filed with the state of Texas, to your knowledge?
11:19:32	10	Kashefipour?	11:21:58	10	A I am -- I vaguely remember -- and that is
	11	A That's what it says.		11	really vaguely -- that something was filed. But I think
	12	Q Okay. And are you familiar with the entity --		12	for a prior year for this Swartz IP Services with the
	13	the Zarrinkelk?		13	franchise tax. But I think was -- and I actually think
	14	A To the best of my knowledge, they were an		14	Scott Woodward did a filing. I -- I vaguely remember
11:19:46	15	accounting firm.	11:22:18	15	that one. But this is the only one, because I think
	16	Q Okay. And did the Zarrinkelk accounting firm		16	something needed to be done and he was -- he is a CPA,
	17	provide accounting services for both Mr. Jam's		17	Scott Woodward. And I think he did the filing with
	18	companies, as well as Mr. Bergstein's companies?		18	Texas.
	19	A I don't think they provided services to		19	Q For the 2010 year?
11:20:04	20	Mr. Bergstein. But I'm not sure. I'm real -- I really	11:22:32	20	A That's the way -- I think so. It was -- it
	21	don't know.		21	was -- I think this one -- I think it was for the
	22	Q Did you understand that Mr. Zarrinkelk was only		22	previous year. It was filed for one year, but I don't
	23	Kia Jam's accountant?		23	remember for which year.
	24	A I wouldn't know one way or the other.		24	Q Okay. And was Swartz IP Services Group, Inc.,
11:20:17	25	Q Going down there towards the bottom of that	11:22:49	25	to your knowledge, allowed to forfeit its charter in
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11:20:19	1	chart, from K.Jam Media, we see it reflects that \$13,000	11:22:53	1	Texas?
	2	was transferred to K.Jam House.		2	A I have no idea. I don't know.
	3	Is that just Mr. Jam's home?		3	Q Going to the bottom left of Exhibit 6, Swartz
	4	MR. WIECHERT: Objection. No foundation.		4	IP Services Group, Inc., listed a 10101 Fondren Road,
11:20:31	5	THE WITNESS: I have no idea.	11:23:02	5	Suite 515 address in Houston, Texas.
	6	BY MR. WALKER:		6	Do you know why that address was used?
	7	Q Do you --		7	A I have no idea.
	8	A I have no idea.		8	Q Do you know what was located at that address?
	9	Q Ma'am, I'm going to hand you what's been marked		9	A I have no idea.
11:20:54	10	as Exhibit 6.	11:23:23	10	Q I'm going to hand you what's been marked as
	11	A Are we done with this now?		11	Exhibit 7, ma'am.
	12	Q Yes, ma'am. We are. Thank you.		12	(Exhibit 7 was marked for
	13	(Exhibit 6 was marked for		13	identification by the Court Reporter
	14	identification by the Court Reporter		14	and is attached hereto.)
11:20:58	15	and is attached hereto.)	11:23:27	15	BY MR. WALKER:
	16	BY MR. WALKER:		16	Q Now, Plaintiff's Exhibit 7 that I've handed you
	17	Q Now, can you identify Exhibit 6 as the Texas		17	is two pages, and it has a list of entities with related
	18	notice of delinquent franchise tax that was issued for		18	information; correct?
	19	Swartz IP Services Group, Inc.?		19	A Yes.
11:21:15	20	A That's what it says, yes.	11:23:48	20	Q Okay. Was this a list that you created?
	21	Q And it says that the date of delinquency up in		21	A It looks like something that I may have
	22	the upper right corner was May 17, 2011; correct?		22	created, yes.
	23	A That's what it says.		23	Q Okay. And --
	24	Q And it states the reason for the delinquency		24	A I think I did it with the office manager at the
11:21:25	25	was that the original franchise tax report was not	11:23:55	25	time.

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11:23:55	1 Q Who would have been whom?	11:26:51	1 these 17 entities appeared in this particular chart?
	2 A That would have been Steven Piskula.		2 A No.
	3 THE COURT REPORTER: Steven who?		3 Q And what was your understanding of the purpose
	4 THE WITNESS: Steven Piskula. P as in papa, I,		4 for forming all of those 16 entities over the course of
11:24:02	5 S as in Sam, K as in kite, U as in unicorn, L as in	11:27:06	5 the 2010 and 2011 years?
	6 Larry, A as in apple. First name is Steven.		6 MR. WIECHERT: The question is compound. Also
	7 BY MR. WALKER:		7 no foundation.
	8 Q Okay. And what was the purpose of creating		8 THE WITNESS: I did not form all of -- I formed
	9 this form?		9 only a few, as far as I recollect.
11:24:23	10 A I can only assume that I was instructed by	11:27:19	10 BY MR. WALKER:
	11 somebody to put together a form of entities and their		11 Q Okay. And do you recall -- or could you point
	12 EIN numbers.		12 us to those few that you formed?
	13 Q Now, by my count -- well, let me ask you this:		13 A I try. I think -- and I'm not sure. I think I
	14 When you look at the second page, is it -- is the second		14 formed -- I may have formed CAC Group maybe.
11:24:41	15 page, was it intended to be a second page or is that	11:27:56	15 Q Okay. What else?
	16 simply another column that should appear on the right of		16 A Cyrano Group.
	17 what the first page is?		17 Q All righty.
	18 A I don't know why this is not the same format as		18 A Maybe Tristate Lighting Inc.
	19 this one. I have no idea.		19 Well, these are the same. These are -- these
11:25:10	20 Q Do you recognize the -- the chart with the name	11:28:34	20 are the same as these one, no?
	21 of entity and the EIN number on the second page of		21 Q It appears that they are, yes, ma'am.
	22 Exhibit 7?		22 A I think -- that's from what I recall. That's
	23 A When you say recognize, what do --		23 what I think I may have formed.
	24 Q Yes, ma'am. Is that a separate document or		24 Q Now, some of the companies on the first page of
11:25:25	25 chart that you created?	11:28:50	25 Exhibit 7 were incorporated in Delaware; correct?
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11:25:26	1 A I would not know one way or the other. I don't	11:28:55	1 A Yes.
	2 think that I would create something with -- like, I -- I		2 Q And some were incorporated in California;
	3 think I probably would have followed this. I'm very		3 correct?
	4 consistent. I probably would have done the same format.		4 A Yes.
11:25:36	5 Why this is chopped up, I don't know.	11:29:00	5 Q And one, Swartz IP Services Group, Inc., was
	6 Q Do you recall the purpose for creating this?		6 incorporated in Texas; correct?
	7 Just that someone instructed you to do it?		7 A That's what it says, yes.
	8 A I would assume so.		8 Q Who made the decision as to which state each
	9 Q And why were these 17 entities selected to be		9 entity would be incorporated in?
11:25:50	10 included within this chart?	11:29:14	10 MR. WIECHERT: It's compound.
	11 A I have no way knowing of one or the other.		11 THE WITNESS: I can only speak of the -- of the
	12 Q Okay. Now, this reflects -- and you're welcome		12 entities that I think I may have formed.
	13 to check my accounting if you like -- but this reflects		13 BY MR. WALKER:
	14 that 10 entities were formed in 2011; is that correct?		14 Q All right, ma'am. Who made the decision as to
11:26:07	15 A If that's what it says here.	11:29:26	15 which states the entities that you named as -- that you
	16 Q And those entities would include Integrated		16 were possibly involved in forming, who made the decision
	17 Administration; correct?		17 as to which state those entities would be incorporated
	18 A That's what it says here, yes.		18 in?
	19 Q It shows that six entities were formed in 2010,		19 A I would say that at that time, I would have
11:26:27	20 including Swartz IP Services Group, Inc.; correct?	11:29:42	20 received instructions from David Bergstein.
	21 A That was it says here, yes. No, wait. Okay.		21 Q Now, K.Jam Media is included in this list;
	22 Q And it shows one entity, K.Jam Media, Inc., was		22 correct?
	23 created in 2007; correct?		23 A It is, yes.
	24 A That's what it says, yes.		24 Q And you understood that to be Kia Jam's
11:26:49	25 Q Does that refresh your recollection as to why	11:29:55	25 company?

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<p>11:29:56 1 A An entity connected with Kia Jam, one way or 2 the other. 3 Q And Integrated Administration is also listed on 4 this particular list; correct?</p> <p>11:30:07 5 A Correct. 6 Q And you understood that Integrated 7 Administration was a Kia Jam company? 8 MR. WIECHERT: Objection. Call for a 9 conclusion. No foundation.</p> <p>11:30:16 10 MR. MCGONIGLE: And I'll object to it. No 11 foundation. It's vague. 12 THE WITNESS: So do I need to answer this now? 13 MR. MCGONIGLE: You can answer it. 14 THE WITNESS: Oh. The way I see it, Integrated 11:30:26 15 Administration was connected with Kia Jam. 16 BY MR. WALKER: 17 Q Were there any other companies on this list 18 that you understood were connected, as you say it, with 19 Kia Jam?</p> <p>11:30:47 20 A I -- most of these entities I don't even -- I 21 don't -- if I haven't formed them, I couldn't tell you. 22 Q Okay. 23 A I wouldn't -- I wouldn't know. 24 Q What does the column signify when it says that 11:31:06 25 those entities are responsible parties?</p>	<p>11:32:51 1 Inc., then. The responsible party is listed as K.Jam 2 Media, Inc. Did you secure that information as to whom 3 to designate as a responsible party from Mr. Jam? 4 A I need to think about this for a second.</p> <p>11:33:15 5 The way it goes with EIN numbers -- and I'm 6 going to have to explain this -- when you have applied 7 online for an EIN number and you want to list this same 8 entity as applying for another -- for another EIN, you 9 cannot do it online. You need to do it via facsimile. 11:33:40 10 So I don't remember applying for this EIN number. If -- 11 Q Which one, ma'am, that you're pointing to? 12 A We are talking the CAC Group, Inc. 13 Q Yes, ma'am. Thank you. 14 A And if it says K.Jam Media, Inc., I don't think 11:34:02 15 that I have applied for this online. 16 Q So when you listed K.Jam Media, Inc., as the 17 responsible party for CAC Group Inc., who gave you that 18 information? Was it Kia Jam? 19 A I don't think I -- I -- I don't think I would 11:34:26 20 have taken instructions from David Bergstein to -- to -- 21 to put K.Jam Media, Inc., on an -- as a responsible 22 party. I don't think so. 23 Q So is it likely then that you took those 24 instructions from Kia Jam? 11:34:38 25 A I don't know one way or the other.</p>
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<p>11:31:09 1 A A responsible party is when you file for an EIN 2 number online, it asks you for a responsible party. And 3 that would be the responsible party. 4 Q Who determined which company would be listed as 11:31:26 5 the responsible party for any of the entities on the 6 left side of this chart? 7 A I most likely must have asked either -- I guess 8 in this case I would have probably asked David Bergstein 9 whoever the attorney was at the time there. The 11:31:47 10 in-house counsel, maybe. 11 Q With respect to Integrated Administration or 12 K.Jam Media or CAC Group, would you have asked Mr. Jam 13 for that information? 14 A Those ones I did not apply for an EIN number, 11:32:06 15 so I don't know. Because if there is a question mark -- 16 and there is two question mark, so I did not apply for 17 this. 18 Q Okay. So I take it that with respect to CAC 19 Group, Inc., Integrated Administration, and K.Jam Media, 11:32:28 20 Inc., that you did secure that information from 21 Mr. Bergstein; is that correct? 22 A Well, here it is question mark, so I don't -- I 23 probably didn't know at the time. Wherever there is 24 question marks, I wouldn't know. 11:32:49 25 Q All right. Well, let's look at CAC Group,</p>	<p>11:34:42 1 Q Okay. Where did you secure the employer 2 identification number that's listed on this chart for 3 CAC Group, Inc., K.Jam Media, Inc., and Integrated 4 Administration? Would that have come from Mr. Jam?</p> <p>11:35:08 5 A I don't want to really assume, so I don't -- I 6 mean, it def -- it didn't have it. 7 Q But you did have it at the time you created 8 this chart; correct? 9 A Yeah, I put it there. It could have come also 11:35:24 10 from his accountant. 11 Q Okay. Fair enough. 12 So you were working with Mr. Jam's accountant, 13 for example, on this type of project? 14 A Well, working with is not really a -- I 11:35:40 15 couldn't really say working with his -- no. 16 Q If you went to Mr. Jam's accountant and 17 requested information regarding his companies, the 18 accountant would provide it to you; correct? 19 MR. WIECHERT: Objection. Calls for 11:35:53 20 speculation. No foundation. 21 THE WITNESS: I would not call him on my own 22 unless Mr. -- unless Kia Jam would have said to me, "You 23 can call Majid and find out." 24 BY MR. WALKER: 11:36:09 25 Q Okay. So you believe that it's likely that</p>

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<p>11:36:11 1 Mr. Jam approved your contacting his accountant to get 2 the information about from Mr. Jam's companies -- 3 MR. WIECHERT: Assumes -- 4 BY MR. WALKER: 11:36:17 5 Q -- that we see on that particular chart? 6 MR. WIECHERT: Assumes facts not in evidence. 7 THE WITNESS: I'm sorry. Can you repeat? 8 BY MR. WALKER: 9 Q Yes. Do you believe then that Mr. Jam 11:36:28 10 authorized you to contact his accountant to secure the 11 information regarding his three companies, CAC Group, 12 Integrated, and K.Jam Media, that appears on the chart 13 that we've marked as Exhibit 7? 14 A I would have not contacted somebody who is not 11:36:44 15 belonging to -- who is not directly connected with David 16 Bergstein based on just -- like, I wouldn't contact your 17 assistant without you giving me assist -- permission. 18 Does this answer your question? 19 Q Do you believe then that, given your normal 11:37:01 20 practices, that Mr. Jam would have authorized you 21 contact his accountant to secure the information 22 regarding his three companies that appears in the chart 23 we've marked as Exhibit 7? 24 A That's how I do. That's how I normally react. 11:37:17 25 That I'm not -- if it's -- if something is -- it doesn't</p>	<p>11:38:24 1 Q As of November 2, 2011, did you have more than 2 one e-mail address? 3 A I may have had -- can you hear me -- I may have 4 had an e-mail address -- and I'm not sure. Maybe 11:38:51 5 fbiedak@kjammedia.com. It's possible. 6 Q Okay. So you believe that it's possible that 7 you had a kjammedia.com e-mail address and a 8 grayboxllc.com e-mail address as of -- 9 A That's very possible, yes. 11:39:07 10 Q Okay. And that was as of November 2, 2011, 11 that time frame? 12 A I don't know which time frame, but it's -- I 13 don't remember the time frame. 14 Q Okay. But you believe that you had both e-mail 11:39:18 15 addresses at one time? 16 A I think so. 17 Q Now, looking at your e-mail here to Mr. Stern, 18 who was Mr. Stern? 19 A Effie Stern, he worked for VCorp Services. He 11:39:36 20 was a representative then. 21 Q Now, you list yourself at the bottom of your 22 e-mail as assistant to David Bergstein; correct? 23 A Yes. 24 Q And you say: "Hi Effie, it was nice meeting 11:39:55 25 you over the phone."</p>
Page 71	Page 73
<p>11:37:21 1 really matter who it is I need to get permission to -- 2 to contact the other person. 3 Q So do you believe then that you secured 4 permission from Mr. Jam to contact his accountant to 11:37:31 5 secure the information regarding his three companies 6 that appears in the chart that we've marked as 7 Exhibit 7? 8 MR. WIECHERT: Calls for speculation. 9 THE WITNESS: Unless he had given me the 11:37:42 10 information himself. 11 BY MR. WALKER: 12 Q Okay. Thank you, ma'am. 13 Let me hand you what's been marked as 14 Exhibit 8. 11:37:51 15 (Exhibit 8 was marked for 16 identification by the Court Reporter 17 and is attached hereto.) 18 BY MR. WALKER: 19 Q Now, there are on the bottom two-thirds of 11:38:06 20 Exhibit 8, is that an e-mail from you to Effie Stern on 21 November 2, 2011? 22 A That's what it says, yes. 23 Q And was frymi@grayboxllc.com the e-mail address 24 that you were using on that date? 11:38:22 25 A At that time, yes.</p>	<p>11:39:56 1 As of November 2, 2011, had you not previously 2 worked with Mr. Stern? 3 A No. 4 Q You go on to state: "As discussed, following 11:40:07 5 is a list of entities that VCorp has formed end of last 6 year per request of Aaron Grunfeld, Esquire." 7 Did I read that correctly? 8 A Yes, you did. 9 Q Okay. 11:40:20 10 A Excuse me for one second. 11 Q Of course, ma'am. And we can take a break if 12 you need to take a break. 13 A That's okay. I have very bad allergies. 14 So I'm good now. 11:40:47 15 Q Okay. Are you -- are you okay to -- 16 A Yes. 17 Q -- continue? 18 A Yeah. 19 Q Okay. Thank you very much. 11:40:54 20 All right. So there were six entities formed 21 that are referenced in your e-mail; correct? 22 A Yes. 23 Q And what was the purpose of your e-mail to 24 Mr. Stern? 11:41:14 25 A I think the way I understand it now is that</p>

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<p>11:41:24 1 when I form an entity, I always form it with Parasec. 2 That's the only service I use because I've been -- I -- 3 I like them more. And I think -- and they always send 4 me notifications that you need to do this, you need to 11:41:37 5 file it, whatever. 6 And I -- I did not have any -- any documents on 7 these entities. So when I would have -- the way -- I 8 can only vaguely remember that I assume that I asked 9 Mr. Grunfeld how to get information of this. And then I 11:41:53 10 called Effie Stern, or sent him an e-mail asking about 11 what was due, what needed to be done on these entities 12 in order not to miss any filings or whatever. 13 But that's just the way I see it from reading 14 it. 11:42:06 15 Q Now, you copied on your e-mail a 16 jeffreysolomon@me.com; correct? 17 A Yes. 18 Q And what was that gentleman's role in the 19 context of this communication? 11:42:18 20 A I think -- I think he was hired to -- to deal 21 with the -- to put together the corporate records of 22 these entities. I think he was an attorney, actually. 23 Q And david@abxyz.cc was David Bergstein's 24 address? 11:42:41 25 A Yes.</p>	<p>11:43:41 1 A That's the one that I used when I -- when I ... 2 Q Except, of course, in this instance, you -- you 3 provided him a courtesy copy -- 4 A Apparently. 11:43:52 5 Q Okay. So you were -- you were also using the 6 abxyz.cc domain as well in your communications with 7 Mr. Bergstein; correct? 8 A Well, I -- here is -- I will just try to look 9 at this one. What -- what's -- what's weird here, 11:44:16 10 because apparently I sent the e-mail at 5:40 p.m. And 11 then he responds at 5:24 p.m.: "Thanks. We will look 12 into this." 13 Q Uh-huh. 14 A Which seems a little bit odd to me. 11:44:29 15 Q Well, the clock on either his computer or yours 16 was off. 17 A Apparently, yes. 18 Q Okay. But going back to the courtesy copy of 19 the e-mail that you drafted, clearly you were aware of 11:44:43 20 and utilized David Bergstein's abxyz.cc domain? 21 A Would I assume, yes. 22 Q And then, of course, you copied 23 kiajam@kjammedia.com; correct? 24 A Yes. Yeah. 11:44:57 25 Q Was it common when you were discussing matters</p>
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<p>11:42:42 1 Q Okay. Do you know why he would use an e-mail 2 address with a Chinese domain? 3 A I didn't even know it was Chinese. 4 Q The dot cc? 11:42:54 5 A I would not know that. 6 Q Do you know why he would use an e-mail with a 7 Chinese domain that would delete automatically after 30 8 days? 9 MR. WIECHERT: Objection. Assumes facts not in 11:43:04 10 evidence. 11 THE WITNESS: That's the first -- 12 MR. MCGONIGLE: Same objection. There's no 13 foundation for it. 14 THE WITNESS: I don't have the slightest idea. 11:43:14 15 I didn't even know anything about that. 16 BY MR. WALKER: 17 Q When did Mr. Bergstein start using the 18 abxyz.cc domain for his e-mail? 19 A I have no idea. 11:43:26 20 Q Did he have other e-mail addresses that he used 21 at this same time? 22 A I thought he always used 23 dbergstein@grayboxllc.com. 24 Q So you were aware of at least one other e-mail 11:43:40 25 address that he had?</p>	<p>11:45:01 1 regarding entities such as the six that we see on 2 Exhibit 8 for you to copy both Mr. Bergstein and 3 Mr. Jam? 4 MR. WIECHERT: The question is vague and 11:45:10 5 ambiguous. 6 THE WITNESS: I don't -- I don't even know why 7 I -- why I copied Jeffrey Solomon on this e-mail. I 8 have no idea how -- what -- what made me copy these 9 three -- well, I don't know why I copied these people. 11:45:39 10 I couldn't tell you. 11 BY MR. WALKER: 12 Q Yes, ma'am. But my question, with all respect, 13 was, was it relatively common for you to include Mr. Jam 14 and Mr. Bergstein on your e-mails? 11:45:49 15 MR. WIECHERT: The question is vague and 16 ambiguous. 17 BY MR. WALKER: 18 Q During this same time frame? 19 MR. MCGONIGLE: Relating to these entities? 11:45:55 20 BY MR. WALKER: 21 Q I would like to take a half a step back to your 22 normal business practices -- 23 A Okay. 24 Q -- around the 2010, 2011 time frame. Was it a 11:46:05 25 customary practice for you to copy both Mr. Bergstein</p>

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<p>11:46:09 1 and Mr. Jam on your communications regarding their 2 companies? 3 MR. WIECHERT: Same objections. 4 THE WITNESS: If I copied either of -- if I 11:46:16 5 copied any of three people, they must have given me 6 instructions: Get the information and copy X, Y, Z. 7 That's the way I can only understand it. But somebody 8 must have given me instruction because I usually -- I 9 don't -- there must have had some sort of a relationship 11:46:41 10 was what was going on in this e-mail. So somebody must 11 have given me instructions whom to copy. 12 MR. WALKER: Okay. 13 MR. WIECHERT: Move to strike the answer as 14 speculation. No foundation. 11:46:50 15 BY MR. WALKER: 16 Q Now, with respect to the six entities that are 17 listed in your e-mail, Hojo Capital Partners Corp. is 18 the first one; correct? 19 A Yes. 11:46:59 20 Q As of November 2, 2011, did Hojo Capital have 21 any actual employees? 22 A Not that I'm aware of. 23 Q The second item is Kambe Asset Management 24 Group, Inc. 11:47:13 25 Do you see that?</p>	<p>11:48:26 1 A Not to the best of my knowledge, no. 2 Q Ma'am, let me hand you what's been marked as 3 Exhibit 9. 4 (Exhibit 9 was marked for 11:48:50 5 identification by the Court Reporter 6 and is attached hereto.) 7 BY MR. WALKER: 8 Q And I would like to direct your attention first 9 to the e-mail toward the bottom from a 11:49:00 10 jswoodwardcpa@aol.com to you with certain courtesy copy 11 recipients. 12 Do you see that? 13 A Yes, I do. 14 Q And it's dated November 8, 2011? 11:49:13 15 A Yes. 16 Q What was Mr. Woodward's or Ms. Woodward's role? 17 A It's Scott Woodward, so it's Mister. 18 Q Thank you. What was Scott Woodward's role in 19 all of this? 11:49:27 20 A He is a CPA. 21 Q And was he retained for all the various 22 entities that we've discussed as a CPA for those 23 entities? 24 A I think he was the one who filed that one 11:49:41 25 return with the franchise tax that we talked before. I</p>
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<p>11:47:14 1 A Yes, I see it. 2 Q As of November 2011, did Kambe Asset have any 3 actual employees? 4 A Not as far I -- not as far as I know, which 11:47:24 5 doesn't mean anything. 6 Q The third company is Owari Opus, Inc.; correct? 7 A That's what -- yes. 8 Q As of November 2011, did Owari Opus, Inc., have 9 any actual employees? 11:47:37 10 A No. 11 Q As to the next company -- 12 A I mean, not to the best of my knowledge. I'm 13 sorry. I really don't. 14 Q The next company, Gion Funding Settlements, 11:47:47 15 Inc., did that entity, as of November 2011, have any 16 actual employees? 17 A Not that I am aware of. 18 And when you say employees, you refer to 19 payroll, payroll taxes -- yeah, I don't think so. 11:48:07 20 Q With respect to Swartz IP Services Group, Inc., 21 as November 2, 2011, did that company have any actual 22 employees? 23 A Not to the best of my knowledge. 24 Q And Nobunaga Unity, LLC, as of November 2, 11:48:22 25 2011, did that company have any actual employees?</p>	<p>11:49:45 1 think he was one who, I guess, helped with reinstating 2 the entity. 3 Q Okay. 4 A I think. 11:49:53 5 Q Okay. You think Mr. Woodward filed the 2010 6 return for the franchise return in Texas for Swartz IP? 7 A I think so, yes. 8 Q But you don't know that whether or not the 2011 9 franchise return was ever filed? 11:50:08 10 A I don't know. 11 Q And he was sending this e-mail on November 8, 12 2011, to you utilizing your grayboxllc.com address; 13 correct? 14 A That's what it says, yes. 11:50:20 15 Q Okay. And there we see he was using David 16 Bergstein's grayboxllc.com address; correct? 17 A Yes. 18 Q And he was sending it to Kia Jam as well; 19 correct? 11:50:30 20 A Correct. 21 Q All right. So the subject of his e-mail is 22 Swartz IP Services efile confirmation and filed forms 23 attached. 24 Did I read that correctly? 11:50:47 25 A Yes, you did.</p>

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11:50:48	1 Q Okay. And he just notes: "Hi Frymi, I am	11:53:43	1 owns"; right?
	2 sorry but when we spoke I was on my cell phone and I had		2 A That's what it says, yes.
	3 a bad connection. I have completed everything that you		3 Q And you understood at that time that he was
	4 requested in your e-mail, though."		4 referring to Swartz IP Services; correct?
11:51:00	5 So, and then he describes what he had done;	11:53:52	5 A I could not say one way or the other. I
	6 correct?		6 really -- I mean, I understand what the e-mail says and
	7 A Yes.		7 I agree with you 100 percent. I just -- I -- I don't
	8 Q Now, Kia Jam responds with an e-mail to you		8 think that I would have made -- I don't think that I
	9 approximately two and a half hours later; correct?		9 would have made any -- and apparently -- because I don't
11:51:17	10 A Yes.	11:54:15	10 know who owns what. I never understood that. So why
	11 Q And this was on November 8, 2011, at 9:39 p.m.;		11 have -- I really don't know.
	12 correct?		12 Q Well, clearly Mr. Jam asked you: "Is this the
	13 A Yes.		13 one that KJM owns?" within the context of an e-mail
	14 Q And he asks you: "Is this the one that KJM		14 regarding Swartz IP Services; right?
11:51:28	15 owns?"	11:54:35	15 A That's what the e-mail says.
	16 Did I read correctly?		16 Q And clearly your response was: "This is owned
	17 A That's what it says.		17 by K.Jam and Owari, but K.Jam will be named as
	18 Q And when you received this, did you understand		18 responsible party when -- when we file for an EIN
	19 that KJM was referring to K.Jam Media?		19 number"; correct?
11:51:43	20 A I -- I have no idea. I really have no idea.	11:54:51	20 A Yes, and -- and I don't think I filed for an
	21 Q Okay. And then the next day, at 11:50 a.m. you		21 EIN number for Swartz IP. I don't remember myself
	22 responded to Mr. Jam; correct?		22 filing for that.
	23 A Yes.		23 Q So is it possible that as of November 9, 2011,
	24 Q Okay. And the courtesy copy recipients include		24 you were expecting or anticipating that you would file
11:52:01	25 David Bergstein at his abxyz.cc address; correct?	11:55:05	25 for one, but you had not done so as of that date? And
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11:52:07	1 A Yes. I wasn't very consistent.	11:55:07	1 that's why you're saying K.Jam will be named as
	2 Q And what does Jeff Solomon forwarder signify?		2 responsible party when we file for an EIN number?
	3 A I'm not a technical person, but sometimes		3 A That's what the e-mail suggests.
	4 people have, like, different e-mail addresses where it		4 Q Okay. And do you recall where you received the
11:52:22	5 forwards directly to them. So I'm -- I'm not very --	11:55:21	5 information that as of November 9, 2011, that Swartz IP
	6 that's the way I understand it.		6 Services was owned by K.Jam and Owari?
	7 Q Fair enough. Now, in your e-mail to Mr. Jam on		7 A I have no idea why I wrote that. I really
	8 November 9, 2011, you respond to his question: "Is this		8 don't.
	9 the one that KJM owns?" by stating: "This is owned by		9 Q Is there any reason that you can recall that as
11:52:40	10 K.Jam and Owari, but K.Jam will be named as the	11:55:38	10 of November 9, 2011, when you wrote this e-mail to
	11 responsible party when we file for an EIN number."		11 Mr. Jam, that you would have been inaccurate or that you
	12 Did I read that correctly?		12 would have been dishonest about your answer?
	13 A That's what it says.		13 A Well, definitely not --
	14 Q Okay. So you're referring there to Swartz IP		14 MR. WIECHERT: Calls for speculation. I'm
11:52:54	15 Services; correct?	11:55:57	15 sorry.
	16 A I -- I thought -- I don't know. I mean, I --		16 THE WITNESS: I'm sorry. I apologize.
	17 it doesn't seem -- because I thought that there -- there		17 MR. WIECHERT: Calls for speculation. No
	18 was an EIN number for Swartz IP Services at the time		18 foundation.
	19 already, but I'm not sure.		19 BY MR. WALKER:
11:53:25	20 Q Okay. But the first e-mail from Mr. Woodward	11:55:59	20 Q Let me -- let me rephrase the question, ma'am.
	21 references Swartz IP Services and certain filings that		21 I wasn't trying to be offensive.
	22 you requested of him; correct?		22 When you wrote the e-mail to Mr. Jam on
	23 A Yes, yes.		23 November 9, 2011, advising him that this is owned by
	24 Q And the second e-mail is from Mr. Jam to		24 K.Jam and Owari, but K.Jam will be named as responsible
11:53:37	25 yourself directly asking: "Is this the one that KJM	11:56:11	25 party when we file for an EIN number, you had no reason

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11:56:15	1 to be anything but accurate at that time; correct?	11:59:52	1 personal knowledge as to what was located at that
	2 MR. WIECHERT: Objection again. No foundation.		2 address?
	3 THE WITNESS: I -- again, I don't understand.		3 A No.
	4 That's not something that I would write now.		4 Q Do you have any personal knowledge as to why
11:56:31	5 BY MR. WALKER:	11:59:58	5 that address was selected for Swartz IP Services?
	6 Q Yes, ma'am. But at the time that you wrote the		6 A No. I have never seen -- I don't remember
	7 top of the e-mail on November 9, 2011, to Mr. Jam		7 ever -- I mean, I must have seen it, but I have not --
	8 answering his question: "Is this the one that K.Jam		8 maybe not noticed it.
	9 owns?" and you advised him: "This is owned by K.Jam and		9 Q Okay. Down at the bottom right corner you see
11:56:44	10 Owari, but K.Jam will be named as responsible party when	12:00:13	10 a series of numbers. It's jam, underscore, TT,
	11 we file for an EIN number" --		11 underscore, and then 000 and then --
	12 A EIN number.		12 A 499 and --
	13 Q -- was it your practice to be accurate and		13 Q Okay. Could you turn to 501, please.
	14 truthful in responding to Mr. Jam's questions?		14 All right. Now, this is a certificate of
11:56:58	15 A Well, I would have definitely made an effort.	12:00:27	15 filing of Advisory IP Services, Inc., formerly Swartz IP
	16 Q Let me hand you what's been marked as		16 Services Group, Inc.
	17 Exhibit 10. Why don't we work through this and then we		17 Did I read that correctly?
	18 can take a lunch break.		18 A Yes.
	19 (Exhibit 10 was marked for		19 Q Do you know why the name Swartz IP Services
11:57:13	20 identification by the Court Reporter	12:00:40	20 Group, Inc., was changed to Advisory IP Services, Inc.?
	21 and is attached hereto.)		21 A No. I don't know.
	22 MR. WALKER: Are you doing okay, ma'am?		22 Q You have no recollection or understanding as to
	23 THE WITNESS: Yes, yes. I'm fine.		23 why that name change was effectuated?
	24 BY MR. WALKER:		24 A No.
11:57:23	25 Q Okay, ma'am. Exhibit 10 -- well, let me ask	12:00:56	25 Q Looking at Page 504. Have you found that page?
Page 87		Page 89	
11:57:25	1 you this: Could you review the various pages of	12:01:03	1 A Yes.
	2 Exhibit 10 and identify this collection of documents for		2 Q Thank you. That's executed and the printed or
	3 me.		3 typed name states David Bergstein; correct?
	4 A Okay.		4 A Yes.
11:58:48	5 Q Is Exhibit 10 a collection of records	12:01:13	5 Q Okay. Is that Mr. Bergstein's signature stamp
	6 pertaining to Swartz IP Services?		6 that was used?
	7 A Yes.		7 A Yes.
	8 Q On the first page we see an e-mail from you on		8 Q Okay. Would you have affixed that signature
	9 November 9, 2011; correct?		9 stamp to this document?
11:59:00	10 A Uh-huh.	12:01:22	10 A I think so.
	11 Q And it's to mkatz@vcorpservices and		11 Q Was there a reason why Mr. Bergstein didn't
	12 sonali@vcorpservices; correct?		12 sign that personally?
	13 A Yes.		13 A Mr. Bergstein was not much in the office, so
	14 Q And you provided a courtesy copy to		14 that's why we created the signature stamp in the first
11:59:13	15 Mr. Bergstein at his abxyz.cc address; correct?	12:01:42	15 place, so that when he was -- he was not in the office
	16 A Yes.		16 much.
	17 Q And you also provided a courtesy copy to		17 Q Was Mr. Jam regularly in the office at this
	18 Mr. Solomon and Kia Jam; correct?		18 time?
	19 A That's correct, yes.		19 MR. WIECHERT: Could we have a specification as
11:59:28	20 Q Now going to the second page of Exhibit 10, we	12:01:51	20 to what office, Counsel?
	21 see the certificate of formation for-profit corporation		21 BY MR. WALKER:
	22 for Swartz IP Services Group Inc.; correct?		22 Q The office that you were in in November of
	23 A Yes.		23 2011, what was that address?
	24 Q And again, with respect to the 10101 Fondren		24 A 2425 Colorado.
11:59:46	25 Road, Suite 515, Houston, Texas, address, you have no	12:02:02	25 Q Okay. Was Mr. Jam regularly in the office day

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12:02:05	1 to day as a normal course of business?	12:04:35	1 Q Okay. And that form was dated June 11, 2012;
	2 A I think Mr. Jam came -- as far as I recollect,		2 correct? If you go to the next page.
	3 I think he was there on a fairly regular basis, yes.		3 A June 11, 2012.
	4 Q Now, going to page 518. Let know what you find		4 Q Okay. So that's two days before the name
12:02:25	5 that document.	12:04:54	5 change to Advisory Services Group, Inc.; correct?
	6 A 518?		6 A That's what it says.
	7 Q Yes, ma'am.		7 Q Okay. And on the form changing the name to IP
	8 A Okay.		8 Services Group, Inc., dated June 11, 2012, again we see
	9 Q All right. Now, this is an amendment to		9 Mr. Bergstein's signature stamp was affixed; correct?
12:02:34	10 registration. The legal name of the filing entity is	12:05:16	10 A Apparently, yes.
	11 Swartz IP Services Group, Inc., and it shows the		11 Q Okay. And did you do that?
	12 registration is amended to change the legal name of the		12 A I would assume so, yes.
	13 entity as amended in the entity's jurisdiction of		13 Q Okay. And does looking at this refresh your
	14 formation. The new name is IP Services Group, Inc.		14 recollection as to why Swartz IP Services Group, Inc.,
12:02:52	15 Were you familiar with the fact that this name	12:05:28	15 had its name changed twice over a two-day period?
	16 change was made to Swartz IP?		16 A I did not remember this one, this IP Services
	17 A No. I thought -- I -- no.		17 Group, Inc.
	18 Q Do you know what the purpose for that name		18 Q Do you mind if we go through one set -- one
	19 change was?		19 more exhibit?
12:03:09	20 A I don't think --	12:05:45	20 A Not at all.
	21 MR. WIECHERT: Assumes facts not in evidence.		21 Q Okay. Then we'll take a lunch break.
	22 No foundation.		22 MR. WALKER: What time is it?
	23 THE WITNESS: I have to look at this one.		23 MR. MCGONIGLE: It is 12:09.
	24 BY MR. WALKER:		24 MR. WALKER: Okay.
12:03:18	25 Q Yes, ma'am.	12:05:54	25 MR. WIECHERT: When do you want to return?
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12:03:20	1 A I thought it was changed -- somehow I always	12:05:58	1 MR. WALKER: Sir?
	2 thought that it was changed from Swartz IP Services		2 MR. WIECHERT: An hour or you want to do less?
	3 Group, Inc., to Advisory IP Service. That's -- that's		3 MR. WALKER: I was going to go through one more
	4 the way I remember it.		4 exhibit. She said she'd go through one more.
12:03:34	5 Q Right. And that particular name change, as we	12:06:02	5 MR. WIECHERT: Oh, I'm sorry. Okay.
	6 saw on Page 501, was done and had an effective date of		6 BY MR. WALKER:
	7 June 13, 2012; correct?		7 Q Ma'am, let me hand you what's been marked as
	8 A I have to look at this. One second. June 13,		8 Exhibit 11.
	9 2012; correct, yes.		9 (Exhibit 11 was marked for
12:03:54	10 Q Okay. So the effective date of the name change	12:06:14	10 identification by the Court Reporter
	11 from Swartz IP Services Group, Inc., to Advisory IP		11 and is attached hereto.)
	12 Services, Inc., was June 13, 2012; correct?		12 BY MR. WALKER:
	13 A That's the way that what the document says,		13 Q Does Exhibit 11 appear to be checks drawn on
	14 yes.		14 the Swartz IP Services Group, Inc., account?
12:04:06	15 Q Okay. And I believe you testified that you	12:06:33	15 A Yes.
	16 don't have any personal knowledge as to why that name		16 Q Okay. Now, the first check is dated
	17 change was done?		17 December 9, 2011; correct? On the first page of
	18 A No.		18 Exhibit 11?
	19 Q Okay. But if you look back at the other form,		19 A Yes.
12:04:16	20 the name change, which was Page 518.	12:06:44	20 Q Okay. And that check was payable to cash?
	21 A Yes.		21 A Yes.
	22 Q Okay. Now, that purports to change the name of		22 Q For \$6,000?
	23 Swartz IP Services Group, Inc., to IP Services Group,		23 A Yes.
	24 Inc.; correct?		24 Q And I take it that was a counter check?
12:04:34	25 A That's what it says.	12:06:58	25 A When you say co- -- what other checks are

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12:07:00	1 there?	12:09:12	1 Bergstein's actual signature?
	2 Q Well, in other words, the check that we see for		2 A Yes.
	3 \$6,000 payable to cash dated December 9, 2011, was not		3 Q Who was Robert Pressler?
	4 on a check that had the Swartz IP name or address		4 A I have no idea.
12:07:16	5 printed on it?	12:09:19	5 Q That's not a name that you had run into in any
	6 A It must have been maybe a temporary check.		6 of your dealings with Mr. Bergstein or Mr. Jam?
	7 Q Okay. So was this one of the first checks that		7 A No.
	8 was cashed on the Swartz IP account?		8 Q Looking at the endorsement, it says RPP
	9 A It's didn't have access to the Swartz. I		9 Enterprises. Does that refresh your recollection as to
12:07:26	10 didn't keep a spreadsheet on the Swartz IP account, as I	12:09:33	10 who Mr. Pressler might have been?
	11 said before.		11 A No.
	12 Q Okay. Who had access to the Swartz IP bank		12 Q Going to the next check, it's a check dated
	13 account at this time?		13 July 23, 2012, in the amount of \$12,000 made payable to
	14 A I -- not me.		14 Graybox LLC; correct?
12:07:39	15 Q Okay. Was there a reason that you were not	12:09:49	15 A That's correct, yes.
	16 provided access to the Swartz IP bank account?		16 Q And you recognize that as being Mr. Bergstein's
	17 A I -- I don't know why, but -- and I never		17 actual signature?
	18 asked.		18 A Yes.
	19 Q And is that signature one that you recognize of		19 Q Do you know what the purpose of this particular
12:07:54	20 David Bergstein?	12:10:00	20 payment to Graybox LLC was that Mr. Bergstein made out
	21 A Yes.		21 of this Swartz IP account?
	22 Q Okay.		22 A I don't know.
	23 A But that's his signature.		23 Q Going to the next check, we see a check on
	24 Q That's his actual signature?		24 December 18, 2013, in the amount of \$10,000 drawn on the
12:08:00	25 A Yes.	12:10:22	25 Swartz IP Services Group account and payable to
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12:08:01	1 Q Okay. Going to the next page, is that also --	12:10:24	1 Integrated Administration; correct?
	2 now we see it's a printed check, 1026, dated July 2,		2 A That's correct.
	3 2012; correct?		3 Q And it was, apparently, deposited to Integrated
	4 A July 2. Yes.		4 Administration's account?
12:08:14	5 Q And now we see it's a printed check for Swartz	12:10:33	5 A That's the way it looks like, yes.
	6 IP Services Group, Inc., at the 2425 Colorado Avenue,		6 Q Do you know why this payment was being made by
	7 Suite B205, address in Santa Monica, California;		7 Swartz IP Services Group to Integrated Administration
	8 correct?		8 for \$10,000?
	9 A Yes.		9 A I don't know.
12:08:28	10 Q And who is Che Sheng?	12:10:45	10 Q Do you know why it was made as late as
	11 A I don't know.		11 December 18, 2013?
	12 Q Have -- had you ever heard of that name in the		12 A Well -- can you repeat the question?
	13 context of Mr. Bergstein or Mr. Jam?		13 Q Yes. Do you know why, on December 18, 2013,
	14 A No.		14 this checking account was used to pay Integrated
12:08:40	15 Q And you recognize that as being Mr. Bergstein's	12:11:06	15 Administration \$10,000?
	16 signature?		16 A I don't know. I have no idea.
	17 A Yes. Not the stamp.		17 Q Is it your understanding that as of
	18 Q Going to the next page, there is check 1027		18 December 18, 2013, Swartz IP as a company had been
	19 dated August 22, 2012, in the amount of \$4,960 to Robert		19 dissolved?
12:09:00	20 Pressler. Do you see that?	12:11:22	20 A I did not know that. I --
	21 A Yes.		21 Q Let me ask it a different way. Was it your
	22 Q And this is also on the same Swartz IP Services		22 understanding that as of December 18, 2013, that Swartz
	23 Grouping, Inc., account; correct?		23 IP Services Group, Inc., had forfeit its charter in the
	24 A With Wells Fargo Bank.		24 state of Texas?
12:09:10	25 Q Okay. And you recognize that as David	12:11:36	25 MR. WIECHERT: No foundation. Assumes facts

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12:11:37	1	not in evidence.	12:14:06	1	familiarity with Mr. Bergstein's signature, you don't
	2	THE WITNESS: Can you tell me what -- what --		2	believe that Mr. Bergstein signed this check; is that
	3	can you repeat the question? I'm sorry.		3	correct?
	4	BY MR. WALKER:		4	A I wouldn't know one way or the other. I
12:11:51	5	Q Yes, ma'am.	12:14:14	5	couldn't -- I couldn't tell. This one I could say this
	6	A I'm very confused.		6	is Mr. Bergstein's signature. This one.
	7	Q Do you know whether or not, as of December 18,		7	Q So the second-to-last page?
	8	2013, that Swartz IP Services Group, Inc., had forfeit		8	A The second to -- the second-to-last page.
	9	its charter with the state of Texas?		9	Q The \$10,000 check dated December 18, 2013, to
12:12:03	10	A When you say forwarded its charter with the	12:14:31	10	Integrated Administration, you believe that's was
	11	state of Texas, do you mean it was not in compliance?		11	Mr. Bergstein's signature?
	12	Q Yes. It was no longer a recognized		12	Is that your testimony?
	13	corporation?		13	A I -- now I'm not sure. When I'm looking at
	14	A That, I didn't know. I just know that that		14	this and I'm looking at this, I'm not sure. This one --
12:12:16	15	thing with the taxes wasn't done correctly.	12:15:08	15	this one I think was his because --
	16	Q And going to the next page in this exhibit, we		16	Q The first page of the exhibit?
	17	see another payment to Integrated Administration, and		17	A The first page I think -- I'm pretty sure was
	18	this time in the amount of \$12,000; correct?		18	his.
	19	A That was done on 12/17/2019.		19	Q Okay. Is it possible that Mr. Jam simply
12:12:39	20	Q Yes. Do you know what the purpose of this	12:15:20	20	completed these checks and signed Mr. Bergstein's name
	21	payment might have been?		21	for the two checks that constitute the last two pages of
	22	A In 2019?		22	Exhibit 11?
	23	Q Yes.		23	MR. WIECHERT: Objection. Calls for
	24	A But we are now in March.		24	speculation.
12:12:50	25	MR. WIECHERT: I think her point is we haven't	12:15:31	25	THE WITNESS: I mean, I have a big issue with
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12:12:52	1	gotten to December 17, 2019, yet.	12:15:33	1	the -- with the 2019 date. So I can't really comment on
	2	BY MR. WALKER:		2	this one. I don't understand this at all.
	3	Q Right. So do you know why that date would be		3	BY MR. WALKER:
	4	used on this check?		4	Q Okay. And as we sit here today, with respect
12:12:59	5	A I think it was an error. Something is --	12:15:43	5	to the last two checks to Integrated Administration, one
	6	that's weird.		6	for 10,000 and one for 12,000, one in 2013, and one in
	7	Q Okay. Do you know the purpose of the \$12,000		7	2019 -- albeit in the future -- I take it you were not
	8	payment to Integrated Administration regardless of date?		8	aware that these two checks had been issued?
	9	A I have no idea. I don't know what -- I don't		9	A I was not aware of any of these checks that
12:13:16	10	know who would have written this.	12:16:03	10	were issued.
	11	Q Is -- is that Mr. Bergstein's signature or is		11	MR. WALKER: Okay. We can take a break for
	12	that someone just signing his name to look like his		12	lunch, ma'am.
	13	signature?		13	THE VIDEOGRAPHER: The time is 12:15 p.m. We
	14	MR. MCGONIGLE: That calls for speculation.		14	are now off the record.
12:13:35	15	You can answer it.	12:30:07	15	(A recess was taken.)
	16	THE WITNESS: If you ask me, I would not say		16	THE VIDEOGRAPHER: We're back on the record.
	17	that this is Mr. Berg- -- I could not say one way or the		17	Here marks the beginning of Disk 2. The time is
	18	other.		18	1:30 p.m.
	19	BY MR. WALKER:		19	BY MR. WALKER:
12:13:44	20	Q Okay. Did Mr. Jam ever, for whatever reason --	13:30:29	20	Q Ma'am, I'll hand you what's been marked as
	21	convenience, haste -- did Mr. Jam ever sign		21	Exhibit 12.
	22	Mr. Bergstein's name with Mr. Bergstein's permission on		22	(Exhibit 12 was marked for
	23	any particular documents or checks to your knowledge?		23	identification by the Court Reporter
	24	A I would not know one way or other.		24	and is attached hereto.)
12:14:04	25	Q But as you look at it, based upon your		25	///

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13:30:33	1 BY MR. WALKER:	13:33:17	1 And going to the top of the first page of
	2 Q I'll take it this was a series of e-mails that	2	2 plaintiff's Exhibit 12, there is an e-mail from
	3 you were involved in?	3	3 Mr. Woodard back to you on January 19, 2012 at
	4 A Yes.	4	4 4:46 p.m.; correct?
13:31:01	5 Q So there at the bottom, you sent an e-mail to	13:33:29	5 A Yes.
	6 Mr. Woodard, the CPA, with a copy to Mr. Bergstein and	6	6 Q And again, we see courtesy copy recipients of
	7 Mr. Jam regarding Swartz IP Services Texas taxes on	7	7 Mr. Jam, Mr. Bergstein, and Mr. Piskula; correct?
	8 November 8th, 2011; correct?	8	8 A Correct. Yes.
	9 A That's what it says, yes.	9	9 Q Okay. And Mr. Woodard was asking you to
13:31:19	10 Q And you're providing Mr. Woodard the requested	13:33:43	10 provide him with certain documents related to Swartz IP;
	11 information regarding Swartz IP; correct?	11	11 correct?
	12 A I'm just reading the other e-mail, too.	12	12 A That's what it says, yes.
	13 Q Of course. Take your time.	13	13 Q And there in the paragraph, the full paragraph,
	14 A Okay.	14	14 after he asked you for the balance sheet, the general
13:31:41	15 Q So at the very bottom there on the	13:33:55	15 ledger, and the profit and loss statement, effectively
	16 November 8th, 2011 at 6:45 p.m., you're sending	16	16 for the 2011 year, he tells you that he would need to
	17 Mr. Woodard the requested information; correct?	17	17 file the federal corporate income tax return and the
	18 A I don't know what I sent him here.	18	18 related Texas franchise tax return.
	19 Q Well, whatever it was, it was apparently what	19	19 Did I read that correctly?
13:31:54	20 he requested of you; correct?	13:34:11	20 A You read it correctly, yes.
	21 A Okay.	21	21 Q Were any of those tax returns filed on behalf
	22 Q I'm looking at the very, very bottom --	22	22 of Swartz IP Services?
	23 A Yeah. Yeah. I -- I -- I -- I just don't know	23	23 A I don't know.
	24 what I sent because normally --	24	24 Q He goes on to state, "If the Texas corporation
13:32:04	25 Q It doesn't note in the attachment, does it?	13:34:23	25 is doing business in California or additional states, I
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13:32:07	1 A It doesn't show anything.	13:34:26	1 would have to file return to those states as well
	2 Q Okay. Fair enough.	2	2 apportioning income among the respective states."
	3 Then going up to the middle e-mail, this on	3	3 Do you know if any -- if you were asked to
	4 January 19, 2012, short time later, you sent an e-mail	4	4 provide any information along those lines to
13:32:21	5 to Mr. Woodard with a copy to Mr. Jam, Mr. Bergstein,	13:34:37	5 Mr. Woodard?
	6 and Steve Piskula; correct?	6	6 A You mean if it was qualified to do business in
	7 A Yes.	7	7 California?
	8 Q And Mr. Piskula was also with K.Jam Media;	8	8 Q Yes, or any other states.
	9 correct?	9	9 A Not to the best of my knowledge, but I'm not
13:32:32	10 A He was the officer manager.	13:34:49	10 sure. Somebody else may have done it.
	11 Q Thank you.	11	11 Q And do you recall providing any of this
	12 And you advised Mr. Woodard that you were going	12	12 information to Mr. Woodard that he was requesting?
	13 through your filings for the new year and you note that	13	13 A I would have not had it.
	14 he was able help you out with the franchise filing for	14	14 Q And why is that?
13:32:47	15 Swartz IP in Texas last November.	13:35:06	15 A Because I didn't keep the record for Swartz IP
	16 So I take it that would have been on or about	16	16 Services.
	17 the time of the e-mail that you have at the bottom of	17	17 Q And who did, do you know?
	18 this string?	18	18 A No. I really don't.
	19 A I think I was -- we talked about that earlier.	19	19 Q Let me hand you what's been marked as
13:33:04	20 I think I was referring to the information that he had	13:35:20	20 plaintiff's Exhibit 13.
	21 provided, to bring it back in good standing, which I	21	21 (Exhibit 13 was marked for
	22 think was for 2010. I think now, wanted the same -- we	22	22 identification by the Court Reporter
	23 wanted the same thing for 2011. That's the way I	23	23 and is attached hereto.)
	24 understand it now.	24	24 BY MR. WALKER:
13:33:16	25 Q Okay. Thank you.	13:35:34	25 Q Does this appear to be a copy of a letter of

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<p>13:35:37 1 intent to purchase certain real estate dated April 1st, 2 2012? 3 A That's what it looks like. 4 Q And it looks like it was a letter of intent for 13:35:53 5 Swartz IP Services to purchase the real estate that's 6 referenced? 7 A That's what it says. 8 Q Did this sale ever go forward, to your 9 knowledge? 13:36:04 10 A I -- I have no idea. This is the first time 11 I've seen this document. 12 Q There is no signature on the last page; 13 correct? 14 A I don't see it. I don't see a signature. 13:36:22 15 Q If you could look at the second-to-last page. 16 A The second-to-last page, yes. 17 Q There, the signature line for Swartz IP 18 Services, Inc., it has Kia Jam listed as the proposed 19 signatory; correct? 13:36:37 20 A That's what it says, yes. 21 Q Do you know whether or not Mr. Jam ever signed 22 this contract? 23 A I would not one way or the other. 24 Q Thank you. I'll hand you what's been marked as 13:36:52 25 Exhibit 14.</p>	<p>13:37:54 1 maybe to follow up, I don't know. But I did not do this 2 wire. I did not do any wires related with Wells Fargo 3 and I know that I had an account with Wells Fargo. 4 Q How do you know that? 13:38:07 5 A Because that's where the checks were from. 6 Q Fair enough. 7 There is a separate note to Kia that -- well, 8 the e-mail goes on, "Kia, money for Amex being wired in 9 separately." 13:38:21 10 I take it Kia Jam had an America Express 11 account that was being used by Mr. Bergstein at times? 12 A I don't know one way or the other. 13 Q Did you ever see any of the American Express 14 account statements? 13:38:36 15 A No, I have not. 16 Q Were there times when you were asked to pay one 17 of the America Express bills from funds from one of the 18 accounts to which you had access? 19 A I don't remember. It's possible. I don't 13:38:57 20 remember. 21 Q Let me hand you what's been marked as Exhibit 22 15, ma'am. 23 (Exhibit 15 was marked for 24 identification by the Court Reporter 13:39:10 25 and is attached hereto.)</p>
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<p>13:36:53 1 (Exhibit 14 was marked for 2 identification by the Court Reporter 3 and is attached hereto.) 4 BY MR. WALKER: 13:37:00 5 Q Now, this is an e-mail from David Bergstein to 6 you and Kia Jam; correct? 7 A Correct. 8 Q And it's dated April 16, 2012; correct? 9 A That's correct, yes. 13:37:12 10 Q So Mr. Bergstein was instructing you to wire 11 \$20,000 from Integrated Administration to Jerry Swartz; 12 correct? 13 A That's what it says, yes. 14 Q So I take it you had access to Integrated 13:37:23 15 Administrations's account -- 16 A No. 17 Q -- that would allow you to wire the money? 18 A No. I have not. 19 Q Okay. How were you -- let me ask you this. 13:37:34 20 Did you comply with Mr. Bergstein's instruction to wire 21 \$20,000 from Integrated Administration to Jerry Swartz? 22 A Well, the e-mail goes from -- from David 23 Bergstein to myself and to Kia. So -- to Kia Jam, I'm 24 sorry. So if anybody would have instructed -- I mean, 13:37:51 25 Mr. Bergstein usually included me in his e-mails, so --</p>	<p>13:39:10 1 BY MR. WALKER: 2 Q Okay. This is a series of e-mails. I would 3 like to ask you about certain of them, if we could. 4 A Okay. 13:39:26 5 Q Okay. If you go to the page that's numbered 6 there in the bottom right, 481, then -- actually, and 7 you may want to look at the preceding page at the very 8 bottom to see the -- the names on the e-mail. It's the 9 preceding page, ma'am, the one -- 13:39:56 10 A The one before? 11 Q Yes, ma'am. 12 Do you see that e-mail that starts at the very 13 bottom from you to Majid Zarrinkelk, Kia Jam, and David 14 Bergstein? 13:40:07 15 A With a courtesy copy to Steve. 16 Q To Mr. Piskula? 17 A Yes. 18 Q Yes, ma'am. 19 And you were sending this on April 19, 2012 at 13:40:16 20 10:09 a.m., correct? 21 A That's correct, yes. 22 Q Okay. So we go to the next page. 23 And that is the e-mail that you were sending on 24 that date and time; correct? 13:40:24 25 A That is correct.</p>

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<p>13:40:25 1 Q And so you're saying that Steve asked that you</p> <p>2 e-mail to Mr. Zarrinkelk the following summary of</p> <p>3 today's wire transfers out of Pineboard Holdings LLC.</p> <p>4 So I take it you had access to the account for</p> <p>13:40:38 5 Pineboard Holdings LLC?</p> <p>6 MR. MCGONIGLE: Objection. The question is</p> <p>7 vague.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: I had not. I don't remember</p> <p>13:40:48 10 having access to this account. And I don't remember</p> <p>11 myself sending wires out of Wells Fargo.</p> <p>12 BY MR. WALKER:</p> <p>13 Q And how did you know that Pineboard Holdings</p> <p>14 had a Wells Fargo account?</p> <p>13:41:01 15 A Because Kia asked them on various -- Mr. Jam</p> <p>16 asked me on various occasions and -- and that -- that</p> <p>17 the balance was low and put some money in.</p> <p>18 Q Okay. So Mr. Jam was managing the Pineboard</p> <p>19 Holdings account?</p> <p>13:41:17 20 MR. WEICHERT: Objection. Calls for a</p> <p>21 conclusion. No foundation.</p> <p>22 THE WITNESS: It was -- I -- I -- I know that I</p> <p>23 had not access to it.</p> <p>24 BY MR. WALKER:</p> <p>13:41:29 25 Q But there were times when Mr. Jam pointed out</p>	<p>13:42:37 1 A I must have had them, maybe. I -- I must have</p> <p>2 asked somebody. Somebody must have given them to me.</p> <p>3 Q Who would have had them, if not you?</p> <p>4 MR. WEICHERT: Calls for speculation.</p> <p>13:42:51 5 THE WITNESS: I don't know.</p> <p>6 BY MR. WALKER:</p> <p>7 Q What about the 450,000-dollar wire transfer to</p> <p>8 Integrated Administration?</p> <p>9 A This came from Pineboard? Oh, yeah, from</p> <p>13:43:02 10 Pineboard.</p> <p>11 Q That's what your e-mail suggests; correct?</p> <p>12 A Yes.</p> <p>13 Q What was the purpose of the 450,000-dollar wire</p> <p>14 transfer from Pineboard Holdings to Integrated</p> <p>13:43:15 15 Administration?</p> <p>16 MR. WEICHERT: Objection. No foundation.</p> <p>17 THE WITNESS: I have no idea.</p> <p>18 BY MR. WALKER:</p> <p>19 Q Who is Donald Carroll?</p> <p>13:43:26 20 A Donald Carroll is a -- a very good friend of</p> <p>21 David Bergstein. They go back like 40 years.</p> <p>22 Q Was Mr. Carroll at or affiliated in some way</p> <p>23 with Integrated Administration?</p> <p>24 A I think he worked there at the time.</p> <p>13:43:47 25 Q How did Mr. Bergstein first meet Mr. Carroll?</p>
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<p>13:41:32 1 that the balance in the Pineboard Holdings account was</p> <p>2 low and asked for you to move some money into it?</p> <p>3 A Not move some money. We -- I mean -- as far --</p> <p>4 and I -- this is just very vaguely. I think I put some,</p> <p>13:41:43 5 like -- like 50 or \$100 cash in there.</p> <p>6 Q Now, looking --</p> <p>7 A As far as I recollect.</p> <p>8 Q Looking at the wire transfers that are</p> <p>9 mentioned in your e-mails having come out of Pineboard</p> <p>13:41:57 10 Holdings LLC, one is for \$500,000 from Citizens -- to</p> <p>11 Citizens Bank; correct?</p> <p>12 A That's what is says, yes.</p> <p>13 Q And it was a credit to General Health</p> <p>14 Technologies LLC?</p> <p>13:42:09 15 A Correct.</p> <p>16 Q Okay. What was the purpose of that payment?</p> <p>17 A I don't know.</p> <p>18 Q Did you effectuate that wire transfer?</p> <p>19 A If it was from Wells Fargo, no.</p> <p>13:42:20 20 Q Okay. How is it that you were able to have</p> <p>21 that information and to convey it to Mr. Zarrinkelk if</p> <p>22 you were not the person that arranged for the wire</p> <p>23 transfer?</p> <p>24 A Those are wire transfer instructions.</p> <p>13:42:35 25 Q Yes, ma'am.</p>	<p>13:43:52 1 A They go back to New Jersey. They're all Jersey</p> <p>2 boys. I think they are like -- when they were like 16</p> <p>3 or 17.</p> <p>4 Q Did Mr. Carroll also work out of the same</p> <p>13:44:03 5 office with you and Mr. Jam and Mr. Bergstein at this</p> <p>6 time?</p> <p>7 A I -- I don't -- I really don't remember because</p> <p>8 he lived far away. So I don't know if he came there</p> <p>9 every day.</p> <p>13:44:20 10 Q But he lived here in California?</p> <p>11 A In -- I think, at the time, in Hermosa Beach.</p> <p>12 I think.</p> <p>13 Q That's quite a drive, isn't it?</p> <p>14 A I wouldn't drive.</p> <p>13:44:34 15 Q And then going to the next page, let's go to --</p> <p>16 I guess it would be the second page of this exhibit.</p> <p>17 Mr. Zarrinkelk asks you to provide him the</p> <p>18 address for the bank and the recipient on the third</p> <p>19 wire; correct?</p> <p>13:44:57 20 A Wh- -- where? This one?</p> <p>21 Q Yeah. The second page of 480 of the exhibit</p> <p>22 itself.</p> <p>23 A Right. I'm -- I'm reading the e-mail.</p> <p>24 Q Yes, ma'am.</p> <p>13:45:14 25 A 12/24?</p>

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13:45:16	1 Q Yes, ma'am.	13:47:21	1 A Correct. Yes.
	2 A And what -- what -- what am I supposed to	2	Q Okay. And then on the next page, 484, we see
	3 answer? I'm sorry.	3	the wire confirmation that you referenced as going to
	4 Q Okay. No, it's okay.	4	Donald Carroll at Integrated Administration; correct?
13:45:36	5 Have you had the opportunity to review that	13:47:36	5 A Yes.
	6 e-mail, ma'am?	6	Q Okay. But what your e-mail to Mr. Zarrinkelk
	7 A Yes, I have.	7	did not indicate was any information about this third
	8 Q Okay. Now, Mr. Zarrinkelk is asking you to	8	wire which is the last page of the exhibit which sent a
	9 provide him the address for the bank and recipient on	9	million dollars to Swartz IP Services Group; correct?
13:45:44	10 the third wire transfer; correct?	13:47:52	10 MR. WEICHERT: I'm sorry -- sorry, but there
	11 A That's what it says, yes.	11	are multiple e-mails in this exhibit and there seems to
	12 Q Okay. If you go back to the last few pages of	12	be at least one e-mail that refers to this wire.
	13 this exhibit, there is three wire confirmations;	13	THE WITNESS: But I think there is another
	14 correct?	14	e-mail here with just spoke with David and asked that he
13:45:59	15 A That's correct, yes.	13:48:06	15 arrange for one additional wire out of Pineboard. I
	16 Q Okay. So you provided them the information	16	think this is the one that you're referring to.
	17 about the first wire transfer confirmation on page 483	17	BY MR. WALKER:
	18 involving General Health Technologies; correct?	18	Q Yes, ma'am. We'll get to that.
	19 A Correct.	19	A Okay. All right.
13:46:13	20 Q Okay. You provided them the equivalent	13:48:11	20 Q But with respect to Mr. Zarrinkelk's e-mail
	21 information to the wire that went to Integrated	21	saying, "Could you please send me the information about
	22 Administration with the beneficiary of Donald Carroll	22	the third wire" --
	23 that appears on Page 484; correct?	23	A Okay.
	24 A On -- on -- on the one to Integrated	24	Q -- the third wire he's referencing is the wire
13:46:33	25 Administration, I didn't put the address of the bank.	13:48:21	25 that's reflected on the last page of Exhibit 12 that was
Page 115		Page 117	
13:46:35	1 Doesn't appear here.	13:48:24	1 the 1-million-dollar wire confirmation to Swartz IP
	2 Q Well, okay, ma'am.	2	Services; correct?
	3 But the third wire that he's talking about is	3	A That's correct, yes.
	4 the last page of Exhibit 12; correct?	4	Q Okay. Very good.
13:46:43	5 A That's Bank of America, yes.	13:48:32	5 So he also tells you on his April 19 -- going
	6 Q Okay. And that would be for Swartz IP Services	6	back now to the second page of the exhibit. He also
	7 group; correct?	7	tells you in his e-mail to you of April 19, 2012 that
	8 A This one, the 33 is to bank -- to Donald	8	for future reference, Mr. Zarrinkelk had access to all
	9 Carroll, you said.	9	the accounts, thus transfer between what he
13:46:55	10 Q Yes, ma'am. I'm -- I'm looking at the -- the	13:48:53	10 characterizes as "our own accounts, i.e., Integrated
	11 wire confirmations --	11	Administration and Pineboard, can be done online without
	12 A Okay. Okay.	12	the need for wiring."
	13 Q -- at the very end of the exhibit. So let's	13	Did I read that correctly?
	14 just start over. Okay?	14	A That's what it says, yes.
13:47:01	15 A Okay.	13:49:05	15 Q So when he says "transfer between our own
	16 Q Okay. Do you see three wire confirmations that	16	accounts," i.e., Integrated Administration and
	17 Mr. Zarrinkelk is referencing? They're the last three	17	Pineboard, who did you understand the "our" to
	18 pages --	18	reference?
	19 A Yes. I see it. I see it. Yes.	19	MR. WEICHERT: Calls for speculation.
13:47:09	20 Q Okay. On page 483 down at the bottom, do you	13:49:25	20 THE WITNESS: What I thought back then?
	21 see that?	21	BY MR. WALKER:
	22 A Yes.	22	Q Yes, ma'am.
	23 Q Okay. That is the wire that you had referenced	23	What was your understanding as to who the "our"
	24 in your e-mail to Mr. Zarrinkelk referencing General	24	was, as Mr. Zar -- Mr. Zarrinkelk is referring to it
13:47:19	25 Health Technologies; correct?	13:49:35	25 there? He's saying, "Thus, transfer between our own

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<p>13:49:39 1 accounts, i.e., Integrated Administration and Pineboard 2 can be done online without the need for wiring." 3 When you received this at the time, who did you 4 understand the word "our" to be referring to?</p> <p>13:49:50 5 A I don't know what I was thinking at the time. 6 I know what I was think- -- now I would think that they 7 are on the same portfolio and that you can transfer in 8 between accounts without paying for the wire transfers. 9 But I don't know what I was thinking then.</p> <p>13:50:04 10 Q Okay. 11 MR. WEICHERT: Move to strike. The answer is 12 speculation. No foundation. 13 BY MR. WALKER: 14 Q And Mr. Zarrinkelk is sending this e-mail to 13:50:11 15 you on Thursday, April 19, 2012 along with not only you, 16 but Mr. Jam; correct?</p> <p>17 A And David Bergstein. 18 Q And David Bergstein, with a courtesy copy to 19 Mr. Piskula; correct?</p> <p>13:50:23 20 A Yes. 21 Q And there we see Mr. Piskula is using another 22 e-mail address, correct, 14spiskula@capitalfilms.us; 23 correct? 24 A That's correct. 13:50:38 25 Q Now, going to the next e-mail in the thread</p>	<p>13:51:51 1 office address at this time? 2 A I don't think Graybox used that office address. 3 I m- -- may be totally wrong, but I don't remember -- 4 but -- I don't recall.</p> <p>13:52:07 5 Q And then you come back and you say in your next 6 e-mail just a short time later -- although it appeared 7 to be a short time earlier, that -- 10:52 a.m., "Sorry. 8 The name is Swartz IP Services Group, Inc. My 9 apologies."</p> <p>13:52:26 10 Did I read that correctly? 11 A Yes. 12 Q So you were just correcting the name of Swartz 13 IP Group Services, Inc. in your previous e-mail to 14 Mr. Zarrinkelk; correct?</p> <p>13:52:39 15 A That's what it appears to be, yes. 16 Q Do you know why the time stamp on that e-mail 17 would show that it was earlier than the e-mail you had 18 sent that you were correcting? 19 A I vaguely remember that there was an issue 20 with -- with -- there was a time issue with the Graybox. 21 I -- I'm not sure, but I think there was something 22 and -- because I asked people to correct it, but I 23 think -- I think it was a computer problem with an -- an 24 hour delay, summertime, wintertime, I really -- but I 13:53:13 25 vaguely remember something but I couldn't confirm it.</p>
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<p>13:50:42 1 which starts at the bottom of the first page, do you see 2 the e-mail from you to Mr. Zarrinkelk, Mr. Jam, and 3 Mr. Bergstein on April 19, 2012 at 12:48 p.m.? 4 A Yes. 13:51:00 5 Q And you say, "Dear Majid, just spoke with David 6 and he asked that you arrange for one additional wire 7 out of Pineboard Holdings LLC"; correct? 8 A That's correct, yes. 9 Q And that was a million-dollar wire transfer to 13:51:13 10 Swartz IP Group Services, Inc.; correct? 11 A That's correct. 12 Q And the address listed for Swartz IP was the 13 very same office address where you were working at the 14 time; correct?</p> <p>13:51:25 15 A That's what it says, yes. 16 Q That was also the same office address where 17 Mr. Jam was working at the time; correct? 18 A We all worked from this office at the time. 19 Q So Mr. Jam worked there at this date and time; 13:51:37 20 correct? 21 A Well, he was there. 22 Q That's where he worked, wasn't it, ma'am? That 23 was his office address? 24 A That's where his office was, yes. 13:51:48 25 Q And likewise, that was also Mr. Bergstein's</p>	<p>13:53:17 1 Q Was that on the Graybox server? 2 A It was on the Graybox e-mail. 3 Q Okay. Did you run your grayboxllc.com e-mail 4 through the Graybox server?</p> <p>13:53:31 5 A I don't have a clue. I'm sorry. 6 Q And then Mr. Zarrinkelk responds to you, "All 7 the wire's gone here, confirmations"; correct? 8 A Correct. And I think -- right. That's what he 9 says. 13:53:47 10 Q And again his, e-mail also has a time stamp 11 that would suggest it was earlier than the e-mail at the 12 bottom of the first page of Exhibit 15 that preceded 13 both of them; correct? 14 A That's correct. 13:54:01 15 Q And -- and it's just -- there was some issue 16 with the time stamp on your -- 17 A I vaguely remember something like that. 18 Q Okay. And this is the very -- Exhibit 16, this 19 reflect your communication back to Mr. Zarrinkelk 13:54:24 20 thanking him; correct? 21 A Yes. 22 (Exhibit 16 was marked for 23 identification by the Court Reporter 24 and is attached hereto.) 25 ///</p>

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13:54:33	1 BY MR. WALKER:	13:57:02	1 Q Looking at the last page of Exhibit 17, did you
	2 Q Going to hand you, ma'am, what has been marked		2 affix Mr. Bergstein's signature stamp?
	3 as Exhibit 17.		3 A That's his signature stamp.
	4 (Exhibit 17 was marked for		4 Q Yes, ma'am.
13:54:41	5 identification by the Court Reporter	13:57:10	5 Did you put that on there?
	6 and is attached hereto.)		6 A I'm pretty sure, yes.
	7 BY MR. WALKER:		7 Q But you don't know who actually drafted that
	8 Q And ask you if the first page of Exhibit 17		8 document?
	9 begins with an e-mail from you to Keith Welner at		9 A No.
13:54:59	10 westoncapital.com?	13:57:20	10 Q You don't know the source of the document at
	11 A Yes.		11 all?
	12 Q It shows a courtesy copy to David Bergstein;		12 A No.
	13 correct?		13 Q Did you ever see those bylaws amended?
	14 A Yes.		14 A I don't even remember that there were -- this
13:55:05	15 Q And the subject is "Swartz IP Services Group,	13:57:32	15 is the first time that -- I mean, I -- I looked at them.
	16 Inc.?"		16 Q I'm going to hand you what's been marked as
	17 A That's correct.		17 Exhibit 18, ma'am.
	18 Q Who was Keith Welner, as you understood it?		(Exhibit 18 was marked for
	19 A At the time, I didn't understand it at all.		identification by the Court Reporter
13:55:18	20 Later on I found out that he was working for Weston	13:57:40	20 and is attached hereto.)
	21 Capital.		21 BY MR. WALKER:
	22 Q What was Weston Capital's relationship to any		22 Q Now, this is an e-mail dated April 27, 2012
	23 of Mr. Bergstein's or Mr. Jam's companies?		23 from you to Kia Jam; correct?
	24 A I have no idea.		24 A Correct.
13:55:31	25 MR. WEICHERT: Compound.	13:57:52	25 Q And you've provided a courtesy copy to David
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13:55:32	1 BY MR. WALKER:	13:57:55	1 Bergstein and Steve Piskula; correct?
	2 Q What was -- what was Mr. Wellner's		2 A Correct.
	3 relationship -- well, let me ask you this. What was the		3 Q And the subject is "Wire Transfer Out of IA";
	4 relationship of Weston Capital to any of Mr. Jam's		4 correct?
13:55:43	5 companies?	13:58:03	5 A That's that it says.
	6 A I wouldn't have any idea.		6 Q And that would be Integrated Administration?
	7 Q What about with respect to Mr. Bergstein's		7 A I would assume so, yes.
	8 companies?		8 Q And you say, "Hi, Kia. Per David's request, a
	9 A I wouldn't know.		9 wire needs to be sent to Phoenix Life Insurance in the
13:55:54	10 Q Were you aware that Mr. Wellner had admitted in	13:58:15	10 amount of \$12,000. I gave Steve the instructions."
	11 federal court that Swartz IP Services was a fraud?		11 And then you have your initial F; correct?
	12 A I did not know that.		12 A Uh-huh.
	13 Q Were you aware that Mr. Bergstein was recently		13 Q Okay. What was the purpose of that wire of
	14 convicted and is sentenced to eight years in federal		14 \$12,000 to Phoenix Life Insurance?
13:56:12	15 prison in part for the transactions involving Swartz IP	13:58:26	15 A I have no idea.
	16 Services Group?		16 Q Do you know who was insured by that particular
	17 A All I know is that he was convicted and that		17 life insurance product?
	18 he's now in Taft.		18 A No.
	19 Q Now, with respect to Exhibit 17, you're		19 Q And as I understand it, you were conveying
13:56:26	20 forwarding Mr. Welner bylaws for Swartz IP Services	13:58:41	20 Mr. Bergstein's request that Kia Jam wire \$12,000 out of
	21 Group; correct?		21 Integrated Administration's account to Phoenix Life
	22 A Yes.		22 Insurance?
	23 Q Where did you get that document?		23 MR. WEICHERT: Objection. Assumes facts not in
	24 A I have to see. I'm not sure. I'm really not		24 evidence.
13:56:54	25 sure. I don't know who would have prepared them.	13:58:57	25 THE WITNESS: That's my assumption, yes.

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13:58:59	1 BY MR. WALKER:	14:01:22	1 formed in Delaware?
	2 Q That's effectively what it says, does it not?		2 MR. WEICHERT: Objection. A fact -- assumes
	3 A That's what it says, yes.		3 facts not in evidence. Calls for a conclusion.
	4 Q Was that -- was that money actually sent, to		4 BY MR. WALKER:
13:59:09	5 your knowledge?	14:01:30	5 Q Let me -- let me restate the question, ma'am.
	6 A I don't know.		6 This list of entities are all companies that
	7 Q Let me hand you what's been marked as		7 have been incorporated in the State of Delaware;
	8 Exhibit 19, ma'am.		8 correct?
	9 (Exhibit 19 was marked for		9 MR. WEICHERT: Same objections.
13:59:16	10 identification by the Court Reporter	14:01:39	10 THE WITNESS: Can I answer?
	11 and is attached hereto.)		11 BY MR. WALKER:
	12 BY MR. WALKER:		12 Q Yes, ma'am.
	13 Q Okay. Now, we go to the very bottom of the		13 A I think -- I think so. I'm not quite sure
	14 first page of Exhibit 19.		14 about Sovrin Health Systems. I'm not sure about that
13:59:36	15 We see the top of an e-mail from you to Kia Jam	14:01:55	15 one.
	16 and David Bergstein dated January 2, 2013; correct?		16 Q Okay. And you note that there were more
	17 A Yes.		17 notices to come shortly; correct?
	18 Q Okay. Looking at the second page, your e-mail		18 A Yes, because this is the time when you have to
	19 actually references as the subject "Delaware Entities		19 do the filings for the incs.
13:59:54	20 Annual Franchise Taxes"; correct?	14:02:08	20 Q Yes, ma'am.
	21 A That's correct.		21 For the -- for the corporations?
	22 Q And you say, "Kia and David, please be aware		22 A For the corporations, yes. The LLCs, I think,
	23 that the annual franchise tax bills are coming up. The		23 in June, something like that. June.
	24 basic fee is \$250 per entity as long as we pay prior to		24 Q Now, what was the nature of the business as you
14:00:08	25 March 1, 2013 (we have about 30 entities)."	14:02:19	25 understood it for Swartz Technology Group, Inc.?
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14:00:12	1 Did read that correctly?	14:02:23	1 A I don't know.
	2 A Yes.		2 Q Was that a company that was separate and apart
	3 Q And Kia Jam responds to you there toward the		3 from Swartz IP Services, Inc.?
	4 bottom of the first page on January 2, 2013 and asks you		4 MR. WEICHERT: Objection. No foundation.
14:00:27	5 to send a list of the entities; correct?	14:02:32	5 THE WITNESS: I don't know.
	6 A That's what it says.		6 BY MR. WALKER:
	7 Q And he notes there that his title is CEO and		7 Q And why are you unsure about Sovrin Health
	8 producer of K.Jam Media; correct?		8 Systems, Inc.? What do you mean by that?
	9 A That's what it says.		9 A I somehow thought that it was formed in
14:00:39	10 Q And it also shows the same 2425 Colorado,	14:02:45	10 California. I don't know why. But I'm -- I -- I really
	11 Suite B-205, Santa Monica, California address?		11 don't know. But I thought it was a California entity.
	12 A That's what the address in -- in -- in Santa		12 Q Let me hand you what has been marked as
	13 Monica.		13 Exhibit 20.
	14 Q Yes, ma'am.		14 (Exhibit 20 was marked for
14:00:50	15 And that was the same address were you worked?	13:59:16	15 identification by the Court Reporter
	16 A That's where I was at the time, yes.		16 and is attached hereto.)
	17 Q And you responded to Mr. Jam and to		17 BY MR. WALKER:
	18 Mr. Bergstein, with a courtesy copy to Steve Piskula, on		18 Q Now, as we saw in Exhibit 19, Kia Jam asked you
	19 January 2, 2013 at 3:45 p.m.; correct?		19 for a list of the entities and you provided that list
14:01:07	20 A Correct.	14:03:24	20 under the subject of "Delaware Entities Annual Franchise
	21 Q And you state, "So far, we have received		21 Taxes."
	22 notices for," and then you provide a list of entities;		22 But here in Exhibit 20, you're providing an
	23 correct?		23 e-mail to Mr. Jam along with a copy to Dave Bergstein
	24 A Yes.		24 and the subject matter is "List of Corporations";
14:01:16	25 Q And these were all companies that you all had	14:03:45	25 correct?

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14:03:50	1 A Uh-huh.	14:05:59	1 Q Thank you, ma'am.
	2 Q And say, "Kia, here is the requested list of		2 And then we go to Integrated Administration
	3 corporations," and that's your initial that follows;		3 farther down the list, and there is a question mark
	4 correct?		4 there as to the responsible party; correct?
14:03:56	5 A Yes.	14:06:08	5 A Yes.
	6 Q So what specific list of corporations did		6 Q But Integrated Administration was one of
	7 Mr. Jam request of you?		7 Mr. Jam's companies; correct?
	8 A I was asked by so many times to -- to -- to		8 A When I --
	9 give lists of -- I wouldn't -- I really don't remember.		9 MR. WEICHERT: Calls for a conclusion. No
14:04:19	10 People ask for something and then I'm -- I really don't	14:06:16	10 foundation.
	11 remember this one.		11 THE WITNESS: Sorry.
	12 Q And I take it that as we see in Exhibit 20, if		12 When I refer to a responsible party, I was
	13 Mr. Jam asked you for a list of certain corporations,		13 kind -- I -- the way I see it, I usually refer to the
	14 you complied with that request?		14 EIN numbers.
14:04:36	15 MR. WEICHERT: Objection. The question -- the	14:06:26	15 BY MR. WALKER:
	16 question is argumentative. Overbroad.		16 Q Yes, ma'am.
	17 THE WITNESS: Well, if somebody asks me to do		17 A So I -- and since I don't think that I have
	18 something, I'll do it.		18 applied for an EIN number for Integrated Administration,
	19 BY MR. WALKER:		19 that's why I put a question mark on it.
14:04:46	20 Q Right.	14:06:35	20 Q So you just didn't have that information?
	21 A If I can, if I know how to do it.		21 A I did not apply for the EIN number online.
	22 Q Yes, ma'am.		22 Q Was that done through someone else by someone
	23 And here we see an instance where Mr. Jam asked		23 else at Mr. Jam's request?
	24 you for information about the various entities and you		24 MR. WEICHERT: Objection. Calls for
14:04:56	25 complied with that request; correct?	14:06:46	25 speculation.
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14:04:57	1 A Yes. I just don't know which entities -- why	14:06:49	1 THE WITNESS: I -- I would not know.
	2 I'd listed these entities.		2 BY MR. WALKER:
	3 Q Fair enough.		3 Q You just know that you didn't do it?
	4 Now, this is another spreadsheet of sorts that		4 A I know that I didn't do it, yes.
14:05:07	5 you created, I presume, to comply with his request?	14:06:54	5 Q And Integrated Administration was a company
	6 A I would assume so, yes.		6 that you did not have access to the bank account?
	7 Q And at the very top we see "Advisory IP		7 A Not to the bank account, not to anything, no.
	8 Services, Inc., formerly Swartz IP Services Group,		8 Q Okay.
	9 Inc."; correct?		9 A At the time.
14:05:20	10 A That's correct, yes.	14:07:05	10 Q When did that change with respect to Integrated
	11 Q And it shows an address in Santa Monica,		11 Administration?
	12 California?		12 A I want to say when discovery was done for
	13 A Correct.		13 the -- when -- when the -- when the lawsuit was filed
	14 Q And the responsible party in this list shows it		14 against -- when the lawsuit was filed in -- in --
14:05:30	15 to be Graybox LLC?	14:07:19	15 whenever it was filed. I would say 2000. And then
	16 A And that's correct too, yes.		16 we -- we made lists of -- of -- I -- I remember myself
	17 Q Okay. Working down the list, we see "CAC		17 making lists of, for example, who was employed by IA,
	18 Group, Inc."; correct?		18 who was on the -- on the -- on the payroll. And I think
	19 A That's correct.		19 that's when I may have seen something.
14:05:45	20 Q And the responsible party there is K.Jam Media,	14:07:43	20 Q And when was -- what lawsuit are you
	21 Inc.; correct?		21 referencing?
	22 A Yes.		22 A One of the -- the -- there was so many at that
	23 Q And that's Mr. Jam's company?		23 time. One -- one of the Wimbledon. I can only assume.
	24 A I don't know if it's his company, I just know		24 Q One of the what, ma'am?
14:05:56	25 it's connected with Kia Jam.	14:07:55	25 A The Wimbledon lawsuit.

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14:07:56	1	Q Wimbledon?	14:10:08	1	Workz, Inc.?
	2	A Yes, it was. It was always at Wimbledon.		2	A They did IT services and phone services and --
	3	Q Okay. Okay. And -- and what year was that,		3	and I would say various consulting regarding tech- --
	4	roughly, do you recall?		4	technical computer.
14:08:14	5	A Maybe 2014, but I'm not sure. I'm really not	14:10:21	5	Q Okay. And was that a company that Don Carroll
	6	sure. I don't want to -- this is just very vague.		6	was affiliated with, obviously?
	7	Q Yes, ma'am.		7	A I think IT Workz, Inc., I'm pretty sure that
	8	Now, going up a couple of companies, there is a		8	was his company.
	9	Global Services Group.		9	Q Okay. And then K.Jam Aviation, Inc. is the
14:08:27	10	Do you see that?	14:10:36	10	next company down and the responsible party listed there
	11	A I do.		11	is Kia Jam; correct?
	12	Q Was Freddie Wilson, the person designated as a		12	A Correct, yes.
	13	responsible party, was he working in one of Mr. Jam's		13	Q And likewise, M2 Aircraft Group Inc., a Nevada
	14	companies?		14	corporation, also lists Kia Jam as a responsible party;
14:08:36	15	A Freddie Wilson was -- this company did security	14:10:52	15	correct?
	16	pu- -- services. They provided se- -- security.		16	A That's what it says, yes.
	17	Q Okay. So did Mr. Bergstein or Mr. Jam have		17	Q And then the next company down, it's K.Jam
	18	some ownership interest in that company?		18	Media, Inc., certainly one affiliated with Kia Jam;
	19	A I wouldn't know.		19	correct?
14:08:58	20	Q Going back down, below Integrated	14:11:02	20	A Well, when you see a responsible party, it's
	21	Administration, do you see Iskra Enterprises, LLC?		21	the entity under which we would have applied for an EIN
	22	A Yes.		22	number.
	23	Q And there, Don Carroll, the individual you		23	Q Yes, ma'am.
	24	identified as being affiliated with Integrated		24	But K.Jam Media, certainly, you understood to
14:09:12	25	Administration, he's listed as a responsible party.	14:11:14	25	be affiliated with Kia Jam, though?
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14:09:14	1	Do you see that?	14:11:14	1	A That's the way I understood it, yes.
	2	A Well -- I'm sorry. Can you repeat the		2	Q And then Pineboard Holdings, Inc. is a few
	3	question?		3	companies down from that; correct?
	4	Q Yes, ma'am.		4	A Yes.
14:09:20	5	Do you see where Don Carroll is listed as a	14:11:30	5	Q And then we see Swartz Technology Group, Inc.;
	6	responsible party for the company known as Iskra		6	correct?
	7	Enterprises, LLC?		7	A Swartz Technology Group, Inc., yes, I see that.
	8	A Yes.		8	Q Okay. And there is no responsible party listed
	9	Q Okay. Was that also a company affiliated with		9	for Swartz Technology Group, Inc., is there?
14:09:31	10	Kia Jam?	14:11:44	10	A I guess then we didn't apply for an EIN number.
	11	A I don't think so.		11	Q Okay. Do you know why, under Sovrin Health
	12	Q How was it that Mr. Carroll was listed as a		12	Systems, Inc., K.Jam Media, Inc. is listed as the
	13	responsible party?		13	responsible party?
	14	A I can only assume that we applied for the EIN		14	A No.
14:09:43	15	number with his Social Security, but I'm not sure.	14:11:58	15	Q So this would appear to be a group of companies
	16	Q Okay.		16	that both Mr. Bergstein and Mr. Jam and Mr. Carroll were
	17	A I'm really not sure.		17	all involved with one way or the other; correct?
	18	Q Also, the next company down, IT Workz, Inc.?		18	MR. WEICHERT: Question is vague and ambiguous.
	19	A Yes.		19	Overbroad. Calls for a conclusion. No foundation.
14:09:54	20	Q Also lists Don Carroll as the responsible	14:12:13	20	THE WITNESS: I don't understand the question.
	21	party.		21	Can you rephrase?
	22	Was that a company that was affiliated in some		22	BY MR. WALKER:
	23	fashion with Kia Jam?		23	Q This list of companies that you put together
	24	A Not as far as I know.		24	reflect various companies that Mr. Jam and Mr. Bergstein
14:10:05	25	Q What was the nature of the business for IT	14:12:25	25	had some interest in.

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<p>14:12:27 1 Is that a fair statement?</p> <p>2 MR. WEICHERT: Same objections. Same</p> <p>3 objections.</p> <p>4 THE WITNESS: I don't know if I would say</p> <p>14:12:33 5 "interest." I would say "connected with."</p> <p>6 BY MR. WALKER:</p> <p>7 Q And you had access to certain corporate</p> <p>8 information about each of these companies like their</p> <p>9 employer identification number, for example?</p> <p>14:12:45 10 A Yes.</p> <p>11 Q You had information for certain of the</p> <p>12 companies regarding the responsible party that was</p> <p>13 listed as part of the EIN number filing?</p> <p>14 A When I filed it, yes. Or when it was given to</p> <p>14:13:00 15 me and asked for something.</p> <p>16 Q So we can -- I -- I take it, then, from your</p> <p>17 testimony that every company on this list for which a</p> <p>18 responsible party is listed is a company that you filed</p> <p>19 for the employer identification number for?</p> <p>14:13:18 20 A I have to see this one. Or we did it -- as I</p> <p>21 said before, if -- if -- let's just say -- okay. I'm --</p> <p>22 I'm going to have to take an example here. Let's just</p> <p>23 say K.Jam Media, Inc. filed online for a -- a -- a -- an</p> <p>24 EIN number. Let's just say like this.</p> <p>14:13:42 25 Q Uh-huh.</p>	<p>14:14:50 1 address on Colorado Boulevard?</p> <p>2 A I don't -- Carroll and I also go back 30 years,</p> <p>3 so, I mean -- it's like, I would -- would have just</p> <p>4 asked him whatever I needed. So I met -- I met David</p> <p>14:15:05 5 Bergstein and Don Carroll at the same time so this was</p> <p>6 more like a -- I need something, I called him. If I</p> <p>7 needed IT services, I called him.</p> <p>8 So -- so he may have giv- -- I cannot say with</p> <p>9 secure thing that whenever you see "a responsible</p> <p>14:15:18 10 party," that I have applied for it. For example, I -- I</p> <p>11 don't remember applying for Iskra Enterprises. I don't</p> <p>12 remember it. But since he was the manager, I would --</p> <p>13 I'd probably put that down. Does this --</p> <p>14 Q And -- and as we sit here today, looking at</p> <p>14:15:36 15 this chart doesn't reflect -- doesn't refresh your</p> <p>16 recollection as to what all these companies were doing</p> <p>17 in the same chart together?</p> <p>18 A No.</p> <p>19 Q And it doesn't refresh your recollection as to</p> <p>14:15:48 20 why Mr. Jam asked you to prepare that list?</p> <p>21 A No.</p> <p>22 Q Let me hand you what's been marked as</p> <p>23 Exhibit 21, ma'am.</p> <p>24 (Exhibit 21 was marked for</p> <p>13:57:40 25 identification by the Court Reporter</p>
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<p>14:13:42 1 A You could not use the same entity and file</p> <p>2 online for another entity. The IRS would not allow it.</p> <p>3 Then you would -- the only way to do it was would send a</p> <p>4 fax, a facsimile --</p> <p>14:13:51 5 Q Yes, ma'am.</p> <p>6 A -- to the IRS and then within eight to ten</p> <p>7 days, they would reply via fax with the EIN number.</p> <p>8 Q Okay.</p> <p>9 A So when it says here "responsible party," I</p> <p>14:14:03 10 would say this is the part you applied for the EIN</p> <p>11 number.</p> <p>12 Q Okay. Well, you testified earlier that on some</p> <p>13 of the companies like Integrated Administration where</p> <p>14 you didn't have a responsible party to list, that that</p> <p>14:14:19 15 was because you didn't apply for that EIN number;</p> <p>16 correct?</p> <p>17 A That's the way I see it, yes.</p> <p>18 Q Okay. So then can we take from your testimony</p> <p>19 that every entity for which you listed a responsible</p> <p>14:14:34 20 party is one for which you did apply for the EIN number?</p> <p>21 A No, I cannot say that.</p> <p>22 Q How were you able to secure the information,</p> <p>23 then?</p> <p>24 A Well, Don Carroll must have asked.</p> <p>14:14:47 25 Q And he was officing with you at the same</p>	<p>13:57:40 1 and is attached hereto.)</p> <p>2 BY MR. WALKER:</p> <p>3 Q And ask you if you can identify that document.</p> <p>4 A I'm ready.</p> <p>14:16:34 5 Q Does this -- well, could you please identify</p> <p>6 this document we've marked as Exhibit 21 for us?</p> <p>7 A It says, "Integrated Administration employee</p> <p>8 list, 8/11 to 12/2013."</p> <p>9 Q Okay. And is this a list that you created?</p> <p>14:16:50 10 A I -- I don't think that I would use capital</p> <p>11 letters for everything. That's not my style. So, I</p> <p>12 mean, I -- I -- I -- I don't -- I wouldn't do it. So</p> <p>13 it -- it -- it -- I could have created it but I don't --</p> <p>14 it -- I would usually not use everything capital</p> <p>14:17:14 15 letters.</p> <p>16 Q Let me ask you this: You've referenced earlier</p> <p>17 in your testimony that in response to one of the</p> <p>18 Wimbledon lawsuits that you had compiled a list of</p> <p>19 Integrated Administration employees, is this that list?</p> <p>14:17:32 20 A I don't think so. I think mine was more -- I</p> <p>21 would have done an Excel spreadsheet.</p> <p>22 Q Okay. Does this appear to be all the -- the</p> <p>23 same number of names, for example, you put -- you had</p> <p>24 40 -- let me -- let me ask you this way.</p> <p>14:17:46 25 Does Exhibit 21 reflect the same number of</p>

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14:17:51	1 Integrated Administration employees that you had on your list?	14:20:37	1 A Of this list?
	2 list?		2 Q -- marked -- yes -- which was marked as
	3 A I would have to look at the list -- at the		3 Exhibit 20.
	4 other list, the one that I created.		4 MR. WIECHERT: Objection.
14:18:01	5 Q Do you know why David Bergstein is listed as an	14:20:50	5 MR. MCGONIGLE: I think the problem is we
	6 employee of Integrated Administration for that time		6 didn't really lay a foundation, which was Bergstein's
	7 period of August 2011 to December 2013?		7 companies or something else.
	8 MR. WEICHERT: Calls for speculation. No		8 But you can answer if -- you just want to look
	9 foundation.		9 at the list and --
14:18:17	10 THE WITNESS: He may have been on -- on IA's	14:21:01	10 THE WITNESS: I don't think any of these
	11 payroll at a certain time. He may have been. It's		11 entities had a payroll.
	12 possible.		12 BY MR. WALKER:
	13 Q Is that also true with respect to Donald		13 Q Okay. Okay. So let's -- let's go back to
	14 Carroll -- he is listed as No. 12 -- was he also an		14 Exhibit 20.
14:18:32	15 employee of Integrated Administration during this time	14:21:11	15 So it's your testimony that -- it was your
	16 period?		16 understanding that the list of companies on the second
	17 A I think so.		17 page of Exhibit 20 did not have a payroll and therefore
	18 Q Were you also listed -- there is No. 16. Let		18 had no actual employees.
	19 me ask you this way. It reflects that you were an		19 Is that a fair statement?
14:18:45	20 employee of Integrated Administration for the same time	14:21:34	20 A Integrated Administration had a payroll. This
	21 frame, there on No. 16, where you're listed.		21 is -- this is what we are talking here?
	22 Was that also true?		22 Q Yes, ma'am.
	23 A Yes, I was an employee.		23 A I vaguely remember that Global Services Group
	24 Q Now, was Integrated Administration actually the		24 had a -- had a separate payroll.
14:18:58	25 company that appeared on your paycheck during this time	14:21:51	25 Q Okay. Anything else?
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14:19:01	1 period?	14:21:57	1 A And I want to say that Sovrin Health Systems --
	2 A I think so.		2 or Sovrin -- I don't remember the name. I think, but
	3 Q And then, of course, No. 25, Kiarash Jam is		3 I'm not sure, that Sovrin Health Systems, the people who
	4 listed as an employee of Integrated Administration;		4 worked for Sovrin --
14:19:13	5 correct?	14:22:14	5 Q Uh-huh.
	6 A Correct, yes.		6 A -- that they were on IA's payroll. I
	7 Q And was he the president and CEO of Integrated		7 vaguely -- I think, but I'm not sure.
	8 Administration?		8 Q Okay. So you believe that -- that Sovrin's --
	9 A I think so, but I don't remember filing a		9 anyone working at Sovrin were actually employed by
14:19:36	10 statement of information for this entity.	14:22:27	10 Integrated?
	11 MR. WIECHERT: Move to strike the answer as		11 A I think so.
	12 speculation.		12 MR. WIECHERT: Objection. No foundation.
	13 BY MR. WALKER:		13 BY MR. WALKER:
	14 Q And then No. 38, Steven Piskula is also listed		14 Q I'm sorry, ma'am. Go ahead and restate your
14:19:45	15 as an employee of Integrated Administration for the same	14:22:36	15 answer.
	16 time frame; correct?		16 A I think so.
	17 A Yes. We worked together a lot.		17 Q Thank you.
	18 Q Looking at this list of people, do you see any		18 Let me hand you what's been marked as
	19 names of people that at one time worked for any of		19 Exhibit 22.
14:20:05	20 Mr. Bergstein's companies?	14:22:49	20 (Exhibit 22 was marked for
	21 A I'm trying to think.		21 identification by the Court Reporter
	22 When you say "Mr. Bergstein's companies,"		22 and is attached hereto.)
	23 what -- what -- what --		23 MR. WALKER: Sorry, I only have one courtesy
	24 Q Any of the companies that were on the list that		24 copy.
14:20:31	25 we just looked at, for example, which is --		25 ///

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14:23:12	1 BY MR. WALKER:	14:25:46	1 Q Okay. If you could turn to the third page,
	2 Q Okay. So this document is entitled "Summary of		2 ma'am. The bottom number there is 000534.
	3 Entities"; correct?		3 A Yeah.
	4 A Correct.		4 Q Okay. Now, up at the top, we have Swartz IP
14:23:26	5 Q Do you know who prepared this document?	14:25:58	5 Services Group, Inc.; correct?
	6 A No. Wasn't me.		6 A Yes.
	7 Q Now, looking at the first entity mentioned,		7 Q It shows the type of entity as a Texas C
	8 Gion Funding Settlements, Inc.		8 corporation; correct?
	9 Do you see that?		9 A That's what it says.
14:23:40	10 A Yes.	14:26:05	10 Q It shows the date of incorporation was
	11 Q Okay. It has the date of incorporation on		11 December 2, 2010; correct?
	12 December 29, 2010; correct?		12 A Yes.
	13 A That's what it says, yes.		13 Q Okay. And it shows the secretary was likely
	14 Q It says, "The type of entity is a Delaware C		14 Aaron Grunfeld or Howard Apple; correct?
14:23:50	15 corporation"; correct?	14:26:16	15 A Yes.
	16 A That's what it says, yes.		16 Q And there at the bottom -- well, on Item No. 3,
	17 Q Okay. And it says, "The secretary is likely		17 it says -- let me back up just a little bit more.
	18 Aaron Grunfeld or Howard Apple"; correct?		18 If you're looking at "next steps" -- do you see
	19 A Correct.		19 that section?
14:24:04	20 Q Who was Mr. Apple?	14:26:34	20 A Next steps, yes.
	21 A I have no idea.		21 Q Okay.
	22 Q And there -- there is a list of next steps;		22 A What -- what subpoena are we talking now?
	23 correct?		23 Q Yes. Swartz IP Services Group, Inc.
	24 A Yes.		24 A Okay.
14:24:16	25 Q And under item 3, it says, "Frymi to obtain EIN	14:26:40	25 Q Under the "next steps," it says, "No. 2, Jeff
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14:24:21	1 and make sure taxes and payments to VCorp (register	14:26:43	1 to issue 1100 shares to K.Jam Media and 1,000 shares to
	2 agent) are paid," and then notes that was done; correct?		2 Owari Opus and appoint Kia president and David secretary
	3 A Yes. I'm impressed.		3 and take any other required actions, resolutions, annual
	4 Q Okay. And then there at the bottom, it says,		4 meetings, et cetera."
14:24:36	5 "Jeff, Kia, and David to discuss taxes of Majid on	14:26:59	5 Did I read that correctly?
	6 Thursday, November 10th."		6 A Yes.
	7 Did I read that correctly?		7 Q And is it your understanding that Kia is
	8 A Yes. It doesn't say the year, though.		8 referencing Kia Jam?
	9 Q Fair enough.		9 MR. WIECHERT: Objection. No foundation.
14:24:49	10 And who would you understand are being	14:27:07	10 Calls for speculation.
	11 mentioned there? Who is Jeff?		11 The witness did not prepare this document. She
	12 A Well, I would have to know what November 10th		12 doesn't even indicate she knows who prepared this
	13 of which year.		13 document.
	14 Q Okay. Who did you understand Kia is being		14 MR. WALKER: And I would -- I would again ask
14:25:10	15 referenced there?	14:27:16	15 that counsel conform his objections to the rules.
	16 A Kia Jam.		16 MR. WIECHERT: That's the truth.
	17 Q And who do you unders- -- who did you		17 BY MR. WALKER:
	18 understand the David?		18 Q When it says that "Jeff to issue 1100 shares to
	19 A David Bergstein.		19 K.Jam Media," you understood that was Mr. Jam's company,
14:25:17	20 Q Okay. And Majid, of course, is Mr. Zarrinkelk?	14:27:32	20 correct, K.Jam Media?
	21 A Yes.		21 MR. WIECHERT: Objection. No foundation.
	22 Q And it states on the note, "Graybox owns Gion";		22 This is the first day I understand she's seen
	23 correct? It's the note right below item 5.		23 this document. So when you say "understood," that
	24 A Below item 5.		24 misstates the testimony.
14:25:36	25 Yes, that's it. Yes.	14:27:43	25 THE WITNESS: Am I supposed to say something

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14:27:46	1	now?	14:29:22	1	the author of a document she doesn't even know.
	2	BY MR. WALKER:		2	BY MR. WALKER:
	3	Q Yeah.		3	Q -- is that correct, ma'am?
	4	A I'm sorry.		4	A Can you repeat the question?
14:27:47	5	Q That's okay.	14:29:31	5	Q Yes, ma'am.
	6	A I'm a li- -- I'm a little bit confused.		6	This document indicates that it was envisioned
	7	Q No, I understand. I understand why, too.		7	that Kia Jam would be appointed president of Swartz --
	8	Okay. Let me -- let me just walk you through		8	Swartz IP Services Group, Inc.; correct?
	9	this Item No. 2, okay, under "next steps."		9	MR. WIECHERT: Objection. No foundation.
14:27:57	10	A Yeah.	14:29:45	10	Calls for speculation.
	11	Q Who did you understand Jeff to reference?		11	THE WITNESS: You want me to answer?
	12	A Well, that --		12	MR. MCGONIGLE: You can answer. He's just
	13	MR. WIECHERT: Calls for -- excuse me, ma'am.		13	making --
	14	THE WITNESS: Sorry.		14	THE WITNESS: Okay. All right.
14:28:02	15	MR. WIECHERT: Calls for speculation. No	14:29:53	15	MR. MCGONIGLE: -- those objections.
	16	foundation.		16	THE WITNESS: That's what the document says,
	17	BY MR. WALKER:		17	yes.
	18	Q Who did you understand Jeff to reference there?		18	BY MR. WALKER:
	19	MR. WIECHERT: Same objections.		19	Q Okay. And then on Item No. 3, that next step
14:28:16	20	THE WITNESS: That's what I asked, which year	14:30:03	20	involved you obtaining the employer ID number and just
	21	we are referring to, because there were two Jeffs. One		21	to make sure taxes and payments to VCorp, the registered
	22	was Jeff Solomon and one is Jeff Kranzton.		22	agents were paid; correct?
	23	BY MR. WALKER:		23	A That's what it says.
	24	Q Okay. Fair enough. Thank you.		24	MR. WIECHERT: Objection.
14:28:28	25	And so whichever those two Jeffs it might have		25	///
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14:28:32	1	been, he was going to issue 1100 shares to K.Jam Media;	14:30:15	1	BY MR. WALKER:
	2	correct?		2	Q Okay.
	3	MR. WIECHERT: Calls for speculation. No		3	MR. WIECHERT: Again, her interpretation of
	4	foundation.		4	this document is speculation.
14:28:39	5	THE WITNESS: That's what it says.	14:30:19	5	BY MR. WALKER:
	6	BY MR. WALKER:		6	Q And under the note there at the bottom of this
	7	Q And 1,000 shares to Owari Opus; correct?		7	section, it says, "K.Jam Media and Owari Opus own
	8	MR. WIECHERT: Calls for speculation. No		8	Swartz."
	9	foundation.		9	Did I read that correctly?
14:28:50	10	THE WITNESS: That's what the document says.	14:30:31	10	MR. WIECHERT: The document speaks for itself.
	11	BY MR. WALKER:		11	THE WITNESS: That's what it says on the
	12	Q Okay. And Kia was to be appointed president;		12	document.
	13	correct?		13	BY MR. WALKER:
	14	MR. WIECHERT: Objection. Speculation. No		14	Q And that's actually consistent with another
14:29:01	15	foundation.	14:30:39	15	document we looked at earlier, isn't it?
	16	Counsel, you're just reading the document to		16	MR. WIECHERT: Misstates the testimony and the
	17	her that she didn't prepare.		17	evidence.
	18	THE WITNESS: Am I supposed to say something		18	BY MR. WALKER:
	19	now?		19	Q If you recall?
14:29:10	20	BY MR. WALKER:	14:30:45	20	A I -- you would have to tell me which document
	21	Q Yes, ma'am.		21	it was.
	22	That's what -- this envisioned appointing Kia		22	Q Fair enough.
	23	Jam president of Swartz IP Services Group --		23	THE VIDEOGRAPHER: Scoot back this way.
	24	MR. WIECHERT: Objection. Speculation. No		24	THE WITNESS: Oh, I'm sorry. I'm sorry.
14:29:19	25	foundation as to what she understands was envisioned by	14:30:57	25	Good?

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14:30:57	1 THE VIDEOGRAPHER: Yes.	14:32:53	1 A I vaguely re- -- I -- I vaguely recollect
	2 BY MR. WALKER:		2 something. I may be mixing up -- it was something --
	3 Q Now, going down to the next item, we see a		3 but I think at some point, it was not in good standing.
	4 similar section for Owari Opus, Inc.; correct?		4 And I think we reinstated it, but I'm not 100 percent
14:31:05	5 A Yes.	14:33:05	5 sure.
	6 Q And again, on item 2, we see the same		6 Q And then going to the last page of this
	7 statement, "Jeff to issue 100 shares to K.Jam Media and		7 exhibit, "There were additional action items for Jeff
	8 appoint Kia president and David secretary and take any		8 and Frymi."
	9 other required actions, resolutions, annual meetings,		9 Do you see that?
14:31:20	10 et cetera"; correct?	14:33:22	10 MR. WIECHERT: The document speaks for itself.
	11 MR. WIECHERT: The document speaks for itself.		11 THE WITNESS: Additional documents, yes.
	12 THE WITNESS: That's what it --		12 BY MR. WALKER:
	13 MR. WIECHERT: No foundation.		13 Q And it says, "Additional action items for Jeff
	14 THE WITNESS: That's what the document says.		14 and Frymi."
14:31:25	15 BY MR. WALKER:	14:33:31	15 A Uh-huh.
	16 Q And there on the bottom, the note states that		16 Q Do you see that?
	17 K.Jam Media owns Owari; correct?		17 A Yes.
	18 MR. WIECHERT: Document speaks for itself. No		18 Q Okay. The first one was formed, Tri-State
	19 foundation.		19 Lighting, Inc., in Delaware.
14:31:39	20 THE WITNESS: That's what it says.	14:33:36	20 A Yes.
	21 BY MR. WALKER:		21 Q Were you involved in the formation of that
	22 Q Now, were you ever privy to do any meetings or		22 company?
	23 discussions or conferences of -- of any kind when any of		23 A I'm pretty sure I was.
	24 these items were discussed?		24 Q The second one is formed Cyrano Group, Inc. in
14:31:51	25 MR. MCGONIGLE: Are you talking about Owari or	14:33:44	25 Delaware.
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14:31:53	1 Swartz or both?	14:33:46	1 Do you see that?
	2 MR. WALKER: Both.		2 A Yes.
	3 THE WITNESS: I was never included in that.		3 Q Were you involved in the formation of Cyrano
	4 BY MR. WALKER:		4 Group, Inc.?
14:31:59	5 Q Were you asked to secure the employer ID number	14:33:51	5 A I think so, yes. I think I formed those with
	6 and to make sure taxes and payments to VCorp as a		6 Parasec, as far as I recollect.
	7 registered agent were paid for Swartz IP Services Group,		7 Q So there are things that are mentioned in
	8 Inc.?		8 Exhibit 22 that you recall -- that, at least, as far as
	9 A That's what it says in the -- oh, what I		9 it pertains to what you were supposed to do, you recall
14:32:12	10 remember what I was asked? Possible. Possible.	14:34:10	10 actually doing?
	11 Q Likewise, were you asked to obtain an employer		11 A Cyrano and Tri-State, I'm fairly sure that I
	12 ID number and to make sure taxes and payments to VCorp		12 formed it with Parasec who gave them the instructions.
	13 as a registered agent were paid for Owari Opus, Inc.?		13 Q And with respect to the different companies
	14 A I don't think Owari Opus, Inc. -- I may have		14 that are mentioned in this memo, that note that you
14:32:33	15 been asked, but I don't think it ever applied to an EIN	14:34:26	15 were -- you were to obtain, an EIN, an employer ID
	16 number.		16 number, and make sure the taxes and payments to VCorp as
	17 Q Okay. Was it ever actually a legal corporation		17 a registered agent were paid, were those the kinds of
	18 then?		18 things that you normally did?
	19 A Yes. Beca- --		19 MR. WIECHERT: Question is compound. It's
14:32:44	20 MR. WIECHERT: Objection. Calls for	14:34:39	20 vague and ambiguous.
	21 conclusion. No foundation.		21 THE WITNESS: If you ask me now, yes. Ask me
	22 THE WITNESS: When we reinstated it at some		22 then, I don't remember.
	23 point in Delaware.		23 BY MR. WALKER:
	24 BY MR. WALKER:		24 Q Okay. On the first item where it says "done,"
14:32:51	25 Q Oh, had it lost its charter at some point?	14:35:02	25 after "Frymi to obtain EIN and make sure taxes and

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14:35:06	1 payments to VCorp registered agent are paid for Gion	14:37:27	1 A That, I'm not sure.
	2 Funding Settlements, Inc.," do you have any recollection		2 Q Okay. What about the second company on
	3 of actually doing that?		3 Exhibit 22, Hojo Capital Partners Corp, does looking at
	4 A No. I'm sorry.		4 Exhibit 20, that chart, refresh your recollection as to
14:35:17	5 Q Do you have any specific recollection of	14:37:39	5 whether or not you secured the -- secured the EIN number
	6 doing -- securing any of the employee ID numbers for any		6 and attended to the taxes and payments to VCorp for that
	7 of the companies listed in this memo?		7 company?
	8 MR. MCGONIGLE: You might want to start with		8 A The -- I probably applied for the EIN number
	9 the first one and flip through right.		9 online, but I don't remember if I paid. I don't
14:35:36	10 THE WITNESS: Okay.	14:37:54	10 remember.
	11 MR. MCGONIGLE: It would be easier.		11 Q Okay. Going to the third company on
	12 THE WITNESS: Do you mean if I have a		12 Exhibit 22, Boson LLC.
	13 recollection of going on the EIN website and then apply		13 Does looking at the chart in Exhibit 20 refresh
	14 for an employee IM- -- EIN number? If I have		14 your recollection as to whether you obtained the
14:35:46	15 recollections of that?	14:38:08	15 employer ID number for that company and attended to
	16 BY MR. WALKER:		16 those taxes?
	17 Q Or doing it by facsimile. Either one.		17 A Boson LLC, I definitely did the EIN number. I
	18 Let's start with the first one. And I don't		18 think Boson LLC -- I think at some point I transferred
	19 know if I've already asked you this. I apologize. But		19 it to -- to Par- -- I transferred agent of process to
14:35:53	20 just to go through all of them.	14:38:34	20 Parasec.
	21 Do you recall actually obtaining the employer		21 Q Fair enough.
	22 ID number and making sure the taxes and payments to		22 But looking at the chart that we have in
	23 VCorp as a registered agent were paid for Gion Funding?		23 Exhibit 20, it refreshes your recollection that you did,
	24 A I would have to see whom it lists as		24 in fact, secure the employer ID number for Boson LLC?
14:36:07	25 responsible party for Gion. I would have to look at	14:38:47	25 A I'm fairly sure, yes.
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14:36:11	1 this one, and I have to look at the records. Because	14:38:49	1 Q Okay. Going to Kambe Asset Management, Inc.,
	2 when I applied, I would really have to go back to the --		2 the next company in the line -- in the list of
	3 go and find somewhere.		3 Exhibit 22.
	4 Q Well, go ahead and pull Exhibit 20.		4 Does looking at the chart in Exhibit 20 refresh
14:36:26	5 A Yes.	14:39:01	5 your recollection --
	6 Q Okay. Put that on one side there with the		6 A I --
	7 chart that you created.		7 Q -- as to whether or not --
	8 A Sorry.		8 A I --
	9 Q No, that's fine, ma'am. Take your time.		9 Q -- you obtained that number?
14:36:49	10 Okay. So Exhibit 20, you've -- you've got the	14:39:03	10 A It's not here, Kambe's. I don't see it on this
	11 second page of that, which is the chart that you've		11 list.
	12 created with all these different entities --		12 Q Yes, ma'am. It's about --
	13 A Yes.		13 A Oh -- oh -- oh, yeah. Yeah. Yeah. That --
	14 Q -- correct?		14 that, I don't know, because it says "Gion Funding
14:36:55	15 A Yes.	14:39:21	15 Settlements, Inc." And I think we just said that this
	16 Q Okay. So let's start at the top of Exhibit 22		16 one was sold. If -- I -- I -- I would not remember
	17 on Gion Funding Settlements.		17 having done this with the fax. I don't remember. I
	18 A Yes.		18 really don't.
	19 Q Did you obtain the employer ID number and		19 Q Okay. Fair enough.
14:37:04	20 attend to the taxes and payments to VCorp as a	14:39:32	20 Going to the next company that's on the list of
	21 registered agent for that company?		21 Exhibit 22, which is Swartz IP Services Group.
	22 A I think I probably set up the EIN number		22 Does looking at the chart in Exhibit 20 refresh
	23 online, I think. Would I pay the -- the -- the taxes		23 your recollection as to whether you took care of that
	24 to -- to VCorp, I'm not sure.		24 employment ID number and attend -- attending to those
14:37:27	25 Q Okay.	14:39:48	25 taxes and payments to VCorp took place as this memo

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14:39:52	1 suggests?	14:42:09	1 MR. MCGONIGLE: Yeah. Here you go.
	2 MR. WIECHERT: Counsel, is Swartz IP Group		2 MR. WALKER: Okay. Fair enough.
	3 mentioned on Exhibit 20?		3 BY MR. WALKER:
	4 MR. WALKER: Yes.		4 Q Let me hand you what's been marked as
14:40:00	5 MR. WIECHERT: And so I see Swartz Technology	14:42:40	5 Exhibit 23, ma'am.
	6 Group.		6 (Exhibit 23 was marked for
	7 THE WITNESS: I think you're referring to --		7 identification by the Court Reporter
	8 BY MR. WALKER:		8 and is attached hereto.)
	9 Q Yes, ma'am. Yes.		9 BY MR. WALKER:
14:40:09	10 A I probably have applied for -- you see, I don't	14:42:47	10 Q I'm going to ask you if you can identify this
	11 remember applying for this EIN number. I don't know		11 document.
	12 why, but I did not apply for it. I don't remember		12 A This one -- I think this one lists -- and I
	13 myself applying for it. And the taxes were apparently		13 think, I'm not sure. I think it lists the employees on
	14 not paid. Because we talked about that.		14 the payroll of IA, I think, but I think this one also
14:40:29	15 Q Yes, ma'am.	14:43:17	15 says that the titles --
	16 A And I don't have much -- I mean, ask me		16 Q Okay.
	17 Delaware, I'm familiar with what needs to be filed.		17 A -- or the -- or the occupations, I'm sorry.
	18 Nevada, maybe, and California. Texas, this is, I think,		18 Q As I recall your testimony, you didn't believe
	19 the only entity that I've ever seen was in Texas.		19 that you created -- that you personally drafted or
14:40:46	20 Q Yes, ma'am.	14:43:27	20 created that last list that we saw marked as --
	21 A I haven't seen any other.		21 A The one with the capital letters?
	22 Q And do you have any -- based upon your		22 Q Yes, ma'am.
	23 familiarity with Mr. Bergstein and Mr. Jam, do you have		23 A I don't recall doing this. But I also don't
	24 any understanding as to why Swartz IP was not handled		24 recall doing this one.
14:41:00	25 through you?	14:43:40	25 Q Okay. Fair enough.
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14:41:06	1 A No.	14:43:42	1 And do you know what the purpose of creating
	2 Q Thank you, ma'am.		2 Exhibit 23, this particular list, might have been?
	3 And then looking at Owari Opus, Inc. in		3 A I think it was also part of maybe the discovery
	4 Exhibit 22.		4 when we -- when -- when -- when -- when -- when --
14:41:14	5 Does looking at the chart in Exhibit 20 refresh	14:43:58	5 when -- when Wimbledon filed a -- a -- a lawsuit. And I
	6 your recollection as to whether you obtained that		6 think this was part of the discovery. But again, I'm
	7 employer ID number?		7 not really sure.
	8 A I don't think this ever had an employer ID		8 Q Okay. Okay. If you could pull Exhibit 21 as
	9 number, Owari Opus, Inc.		9 well, ma'am, in addition to 23, please.
14:41:28	10 Q You had said that earlier. Thank you.	14:44:39	10 A Yes.
	11 And in filing Nobunaga Unity LLC, did you have		11 Q Okay. So these -- Exhibit 21 and Exhibit 23
	12 anything to do with that?		12 are the two lists that we've discussed; correct?
	13 A No.		13 A That's correct, yes.
	14 MR. MCGONIGLE: You might have a note on here		14 Q Okay. And you believe that Exhibit 23 is also
14:41:43	15 if you want to switch it.	14:44:53	15 a list of Integrated Administration employees that was
	16 MR. WALKER: Oh, I gave you the wrong one? No		16 prepared for the purpose of discovery in a lawsuit?
	17 wonder you didn't get a copy.		17 A I think so, but I'm not sure. I think so.
	18 MR. MCGONIGLE: No, you -- that one doesn't		18 Q Now, in Exhibit 21, it actually states
	19 look like it -- well, if you want to just do a clean		19 "Integrated Administration employee list" and provides a
14:41:43	20 one, I think.	14:45:11	20 time frame; correct?
	21 MR. WALKER: Here, you can have that one.		21 A That's what it says, yes.
	22 MR. MCGONIGLE: Yeah. There you go.		22 Q But we don't see either an identification of
	23 MR. WALKER: Well, that one's got a note on it.		23 Integrated Administration employee list in Exhibit 23
	24 MR. MCGONIGLE: Yes. I -- I don't need it.		24 nor do we have a time frame; correct?
14:42:09	25 MR. WALKER: You don't want it?	14:45:24	25 A On this one?

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14:45:25 1 Q On Exhibit 23, yes, ma'am.
 2 A Correct, yes. You're correct.
 3 Q Okay. But the one difference that you point
 4 out is that for each of the individuals listed in
 14:45:33 5 Exhibit 23, we have titles; correct?
 6 A And on the other one, we have addresses.
 7 Q Okay. Now, for example, on Exhibit 23,
 8 Employee No. 13, Edmond Defrank. His title is Sovrin
 9 cohead.
 14:45:53 10 Did I read that correctly?
 11 A That's what it says.
 12 Q Okay. And 15, Freddie Wilson, for his title,
 13 it says, Global Services Group-security/car company;
 14 correct?
 14:46:05 15 A Yes.
 16 Q Okay. Here we see No. 10 on -- on Exhibit 23,
 17 David Bergstein is listed as the CEO of Cyrano Group;
 18 correct?
 19 A Yes.
 14:46:22 20 Q And on 25 of Exhibit 23, we see Kiarash Jam is
 21 listed as IA director and officer; correct?
 22 A Yes.
 23 Q Okay. But from what I can tell, other than
 24 Mr. Wienskosi, who is listed as Kia Jam's assistant,
 14:46:46 25 all these other people are listed in Exhibit 23 as being

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14:47:47 1 Sovrin? For example, looking at Exhibit 21, the second
 2 on the list is Andrea Potenciano --
 3 A Potenciano.
 4 Q -- correct?
 14:47:58 5 A Yes.
 6 Q Okay. And she's on Exhibit 21 under a list of
 7 Integrated Administration employees; correct?
 8 A On -- yes, on the -- on 21. Yes. Yes.
 9 Q Okay. And then on Exhibit 23, it says that she
 14:48:13 10 was Sovrin, dash, office admin medical biller?
 11 A Yes.
 12 Q So do you know whether she was an employee of
 13 Sovrin or an employee of Integrated Administration?
 14 MR. WIECHERT: Calls for speculation. No
 15 foundation.
 14:48:26 16 THE WITNESS: Can --
 17 BY MR. WALKER:
 18 Q You can answer --
 19 A Can I answer?
 14:48:30 20 Q Yes, you can answer.
 21 A Okay. The way I see it is that Sovrin General
 22 Health, whatever, was an entity that was not located in
 23 Santa Monica. I think they were -- I want to say
 24 Glendale, but I'm really not sure. They did medical
 14:48:55 25 billing there. But I think that the employee -- that --

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14:46:50 1 associated or employed by another company altogether,
 2 another -- a company different from Integrated
 3 Administration, I should say.
 4 Do you know why that is?
 14:47:00 5 A I have --
 6 MR. WIECHERT: Calls for speculation.
 7 THE WITNESS: No, I have no idea.
 8 BY MR. WALKER:
 9 Q When it says, "No. 1, Anna Maria Predovich,
 14:47:10 10 receptionist," do you know who she is a receptionist
 11 for?
 12 A She was receptionist in the office on -- on
 13 Colorado Boulevard -- on 2425 Colorado Boulevard.
 14 That's where she was receptionist.
 14:47:26 15 Q Okay. That was the same location where you had
 16 an office -- or Mr. Bergstein had an office --
 17 A Well, but he didn't -- didn't come very much.
 18 Q Right.
 19 And where Kia Jam had an office?
 14:47:34 20 A Yes.
 21 Q Okay. Okay. So she was generally the
 22 receptionist for all of you?
 23 A Correct.
 24 Q But do you know why certain of the people on
 14:47:45 25 Exhibit 23 are indicating that they are actually with

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14:49:01 1 well, employees is -- maybe are the people who were
 2 working for Sovrin, did the medical billing, did the
 3 duties. I think they were on IA's payroll -- on
 4 Integrated Administration's payroll.
 14:49:13 5 Q Did you ever have an understanding as to why
 6 that was done that way?
 7 A No.
 8 Q Let me hand you what's been marked as 24,
 9 ma'am.
 14:49:23 10 (Exhibit 24 was marked for
 11 identification by the Court Reporter
 12 and is attached hereto.)
 13 BY MR. WALKER:
 14 Q Now, this is an e-mail to you from Milton Vong;
 14:49:42 15 correct?
 16 A Yes. Yes.
 17 Q And it's marked 17/2016 at 12:11 p.m.; correct?
 18 A Yes.
 19 Q Okay. And I think earlier you had said that
 14:49:51 20 you preferred Pericorp [sic] as a company that would
 21 register companies or corporations?
 22 A As an agent of process, I preferred Parasec.
 23 Q Okay. Thank you.
 24 A And I know -- I know they know me there so --
 14:50:06 25 Q Yes, ma'am.

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<p>14:50:06 1 Okay. And Mr. Vong provided a courtesy copy to</p> <p>2 Steve Piskula; correct?</p> <p>3 A To me and he cc'd Steve Piskula.</p> <p>4 Q Thank you.</p> <p>14:50:16 5 Now, he advises -- Mr. Vong advises you that</p> <p>6 this entity is currently forfeited and needs to be</p> <p>7 reinstated before the change of agent filing would be</p> <p>8 accepted?</p> <p>9 A Correct.</p> <p>14:50:27 10 Q And, of course, the entity that he is</p> <p>11 referencing as having forfeited its charter is Swartz IP</p> <p>12 now known as Advisory IP services; correct?</p> <p>13 A Correct.</p> <p>14 Q Okay. A couple of questions.</p> <p>14:50:39 15 Why was Advisory IP Services, Inc. being</p> <p>16 considered for reinstatement as of March 17, 2016?</p> <p>17 A I mean, I need to think about this.</p> <p>18 The way I understand it -- or understood it, I</p> <p>19 guess, at the time, the entity was involved in</p> <p>14:51:11 20 litigation. And when an entity is involved in</p> <p>21 litigation, you need to, first of all, make sure that</p> <p>22 it's in -- in good standing. And I think it was</p> <p>23 forfeited. I did not know that there was no agent of</p> <p>24 process. I thought it was just -- there wasn't a tax</p> <p>14:51:32 25 issue and so I really didn't know. So at some point, I</p>	<p>14:52:46 1 (A recess was taken.)</p> <p>2 THE VIDEOGRAPHER: We are back on the record.</p> <p>3 The time is 3:07 p.m.</p> <p>4 BY MR. WALKER:</p> <p>15:07:28 5 Q Ms. Biedak, just a couple of kind of follow-up</p> <p>6 questions and I'll -- I'll close out.</p> <p>7 You testified earlier that you're seeing</p> <p>8 Mr. Bergstein approximately once a month -- or once a</p> <p>9 week rather -- in -- in jail?</p> <p>15:07:40 10 A Once a week.</p> <p>11 Q Once a week?</p> <p>12 Is there a set day that you visit him?</p> <p>13 A No. It's either Friday or Sunday, usually.</p> <p>14 Q And is that roughly about an hour and a half</p> <p>15:07:54 15 drive one way for you?</p> <p>16 A I don't -- I don't drive by myself. I'm</p> <p>17 driving with one of the attorneys.</p> <p>18 Q Okay. Which attorney are you driving with?</p> <p>19 A Jeff Kranzton or Ed Defrank or I'm retaining</p> <p>15:08:09 20 somebody to drive me out there.</p> <p>21 Q And again, if the attorneys are going with you,</p> <p>22 what is the purpose of your visit?</p> <p>23 A Helping gathering the documents, et cetera.</p> <p>24 Q For the appeal?</p> <p>15:08:26 25 MR. MCGONIGLE: Well, I'm going to object. And</p>
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<p>14:51:37 1 contacted -- and I didn't even know. I didn't think</p> <p>2 that -- I didn't know if they had an agent or not. At</p> <p>3 some point, I had contacted Parasec and I asked him,</p> <p>4 "Can you please be agent of process for this entity?"</p> <p>14:51:48 5 And then he wrote that back. And I think that was</p> <p>6 pretty much the end of it.</p> <p>7 Q Okay. So that's why he's telling you that</p> <p>8 the -- that the Advisory IP Services, Inc. was currently</p> <p>9 forfeited and that that would have to be reinstated</p> <p>14:52:03 10 before he could do the change of agent filing that you</p> <p>11 requested of him?</p> <p>12 A Yes. And that's -- that's what they explained</p> <p>13 to me at some point, that if taxes -- like, even in</p> <p>14 Delaware, if taxes are not paid currently, they --</p> <p>14:52:14 15 they -- they are obligated by -- by -- by law to resign</p> <p>16 as agents.</p> <p>17 Q And it's your understanding that Swartz --</p> <p>18 Swartz IP, which was now known at this time in 2016 as</p> <p>19 Advisory IP Services, that it was never reinstated?</p> <p>14:52:36 20 A To the best of my knowledge, it was not</p> <p>21 reinstated.</p> <p>22 MR. WALKER: Why don't we take a break for a</p> <p>23 few minutes, ma'am?</p> <p>24 THE VIDEOGRAPHER: The time is 2:52 p.m. We</p> <p>14:52:45 25 are now off the record.</p>	<p>15:08:27 1 I think that's an invasion of -- of the attorney-client</p> <p>2 privilege.</p> <p>3 I'll instruct her not to answer that.</p> <p>4 BY MR. WALKER:</p> <p>15:08:34 5 Q And I'll take it you'll follow your counsel's</p> <p>6 advice, ma'am?</p> <p>7 A Yes.</p> <p>8 Q And during the time that you're visiting with</p> <p>9 Mr. Bergstein once a week at his jail, how long are you</p> <p>15:08:47 10 staying up there?</p> <p>11 A That depends.</p> <p>12 Q What's the range of time spent then?</p> <p>13 A Any possible time. I mean, on Sunday, I was</p> <p>14 there from 9:00 till 3:00.</p> <p>15:09:04 15 Q 9:00 in the morning until 3:00 in the</p> <p>16 afternoon?</p> <p>17 A Yes.</p> <p>18 Q And it's your testimony that you're not</p> <p>19 discussing anything having to do with Mr. Bergstein's</p> <p>15:09:14 20 business affairs?</p> <p>21 A I --</p> <p>22 MR. MCGONIGLE: Well, can I -- and during the</p> <p>23 entire time period, she's present with counsel.</p> <p>24 And Mr. Bergstein, I would instruct her not to</p> <p>15:09:24 25 answer anything of what's discussed during those</p>

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15:09:26	1 meetings. I also think it's irrelevant to this	15:12:18	1 Q What time frame would that have been when you
	2 proceeding.		2 made the move?
	3 BY MR. WALKER:		3 A The move to Santa Monica, I want to say
	4 Q During your visits with Mr. Bergstein, is there		4 September 2006, but I'm not 100 percent sure. I'm
15:09:35	5 anything that you're discussing with him that does not	15:12:29	5 really not sure anymore.
	6 relate to his criminal trial or appeal?		6 Q And did Mr. Bergstein, to your knowledge, have
	7 MR. MCGONIGLE: Well, I'm going to instruct		7 a relationship with Mr. Jam before 2007 that you just
	8 her -- her not to answer that as well.		8 were not aware of?
	9 BY MR. WALKER:		9 A I have no idea.
15:09:48	10 Q And I'll take it you'll follow your counsel's	15:12:41	10 MR. WIECHERT: Calls for speculation.
	11 advice on that, ma'am?		11 BY MR. WALKER:
	12 A Yes.		12 Q During the period of time that you were sharing
	13 Q During the period of time that you were		13 an office with Mr. Bergstein, Mr. Jam, did you observe
	14 officing at the Colorado Boulevard address, what was		14 that -- what did you observe about their relationship?
15:10:01	15 your understanding that Integrated Administration did as	15:12:54	15 What kind of relationship did they have?
	16 a business?		16 A I think they had a good relationship.
	17 A I think they provided administrative services		17 Q How would you characterize it? Were they
	18 and payroll services.		18 friends? Were they business partners?
	19 Q So what type of administrative services would		19 A I -- in all honesty, David Bergstein wasn't
15:10:18	20 that be, do you know?	15:13:19	20 that much in the office, so I didn't really see them
	21 A Any kind of administrative services.		21 that much.
	22 Q For different types of businesses, particular		22 Q Okay.
	23 types of businesses, do you know?		23 A I couldn't tell you.
	24 A No.		24 Q Okay. Was Mr. Jam involved in other business
15:10:44	25 Q What type of payroll services did it provide?	15:13:32	25 matters outside of Mr. Bergstein that were independent
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15:10:50	1 A Did -- the payroll for Integrated	15:13:36	1 of any of Mr. Bergstein's business affairs, to your
	2 Administrative Services employees? They were on the		2 knowledge?
	3 payroll.		3 A I wouldn't know.
	4 Q Okay. Okay. So how did it make money?		4 Q But from what you observed, Mr. Jam and
15:11:01	5 A I don't know.	15:13:47	5 Mr. Bergstein had a good relationship?
	6 Q Where did the money come from that allowed		6 A Well, I hardly -- I mean, again, I didn't
	7 Integrated Administration to pay for the payroll of		7 really see them together. So from -- from the little
	8 certain employees for Sovrin Health and for the other		8 bit I saw and I heard -- I mean, people talk. So I
	9 companies we saw on that list?		9 think they had a decent relationship, a friendly --
15:11:19	10 MR. WIECHERT: No foundation. Calls for	15:14:16	10 Q In connection with Swartz IP and the matters
	11 speculation.		11 that we've discussed today, have you ever been
	12 THE WITNESS: I wouldn't know one way or the		12 interviewed by anyone with the Federal Bureau of
	13 other.		13 Investigation or the Department of Justice?
	14 BY MR. WALKER:		14 A I have not.
15:11:27	15 Q Now, you said that you've known Mr. Carroll and	15:14:34	15 Q Have you ever been interviewed by anyone at the
	16 Mr. Bergstein for, I guess --		16 Federal Bureau of Investigation or the Department of
	17 A Thirty years.		17 Justice for any purpose?
	18 Q Thirty years?		18 A Not that I recall.
	19 And they had a very good relationship?		19 Q Have you ever been interviewed by anyone with
15:11:39	20 A Yes.	15:14:52	20 the Securities and Exchange Commission?
	21 Q Okay. How long have you known Mr. Jam?		21 A Not as far as I recall.
	22 A I think -- I'm trying to think.		22 Q Have you ever received a subpoena for any
	23 I think I spoke to him before we moved to Santa		23 information, testimony, or documents from either the
	24 Monica Boulevard. Before we were there, we went Culver		24 SEC, the FBI, or the Department of Justice?
15:12:12	25 City, and I vaguely remember talking to him back then.	15:15:10	25 A I have not -- not -- not as far as I recollect.

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15:15:14	1 And I think that would remember.	15:18:59	1 at his house, yes.
	2 Q Yes, ma'am.		2 Q How many times have you been to Mr. Bergstein's
	3 MR. WALKER: I'll pass the witness at this		3 home?
	4 time.		4 A I want to say maybe two or three times when
15:15:21	5 MR. WIECHERT: Thank you.	15:19:13	5 other -- when it was like a social -- like -- and when
	6 MR. WALKER: We can go and -- let's take a		6 other people from the office were there. Like, I think
	7 break.		7 there was a fund-raiser at some point.
	8 MR. WIECHERT: Don't go off the record for a		8 Q And is that the house in the Calabasas area?
	9 while.		9 A Yes. And then I was -- lately, a couple of --
15:15:25	10 THE VIDEOGRAPHER: The time is 3:15 p.m. We	15:19:26	10 after his incarceration when I went to his house, too.
	11 are now off the record.		11 Q Okay. You were shown some deposition
	12 (A recess was taken.)		12 transcripts when Mr. Gumpert was asking you questions
	13 THE VIDEOGRAPHER: We are back on the record.		13 during some bankruptcy proceedings in 2010.
	14 The time is 3:17 p.m.		14 Do you recall that?
15:17:27	15	15:19:44	15 A Do I recall it now when we talked about it?
	16 EXAMINATION		16 Q Yes. That you were shown those today.
	17 BY MR. WIECHERT:		17 A Yes. I remember those.
	18 Q Ms. Biedak, I'm going to try to be brief.		18 Q Do you remember that Mr. Bergstein was involved
	19 My name is David Wiechert. I represent Kia Jam		19 in bankruptcy proceedings in the 2010 time frame?
15:17:34	20 and Integrated Administration in this case.	15:20:03	20 A Can you repeat it? I'm sorry. I don't
	21 Have we ever talked?		21 understand the question.
	22 A It's possible.		22 Q Sure.
	23 Q Well, then I'll -- I will shame myself for not		23 Do you recall that Mr. Bergstein or some of
	24 remembering it.		24 these entities were involved in bankruptcy proceedings
15:17:46	25 But do you recall any substantive discussions	15:20:11	25 in the 2010 time frame?
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15:17:50	1 with me?	15:20:13	1 A Was five entities that -- four or five entities
	2 A Not from the top of my head.		2 that were in involuntary bankruptcy.
	3 Q Have you ever talked to Kia Jam about this		3 Q And they were involuntary bankruptcies that
	4 lawsuit?		4 were filed against those entities; correct?
15:18:03	5 A This one now? Well, when we were to get in the	15:20:24	5 A That's the way I see it, yes.
	6 offices on -- in --		6 Q And Mr. Bergstein had a connection to each of
	7 Q This one now.		7 those five entities?
	8 A I'm sure we have talked about it at the time		8 A That's the way I saw it back then, yes.
	9 when we were in the same office.		9 Q Did you ever talk to Mr. Bergstein about the
15:18:15	10 Q All right.	15:20:36	10 implications of those bankruptcies on his ongoing
	11 A On Wilshire Boulevard.		11 business?
	12 Q When was the last time you spoke to Kia Jam?		12 A No.
	13 A Spoke to him, I think in the summer we were --		13 Q Did you ever read any negative articles about
	14 there was a discussion about a desk that was supposed to		14 Mr. Bergstein in the 2010 time frame?
15:18:28	15 be moved. I sent him e-mails a couple of months ago. I	15:20:47	15 A Yes. The Hollywood Reporter.
	16 think this was two entities that he -- that were -- that		16 Q There were a number of articles in The
	17 were his. And I asked him if he wanted to keep them		17 Hollywood Reporter that were negative towards
	18 with Parasec so there -- there is an e-mail exchange.		18 Mr. Bergstein; is that right?
	19 Q Have you ever been to his home?		19 A They were very bad, yes.
15:18:46	20 A To Kia Jam's home?	15:20:55	20 Q And if you Google Mr. Bergstein's name, those
	21 Q Yes.		21 articles would come up?
	22 A No. Never.		22 A Yeah. Probably, yeah.
	23 Q Have you been to Mr. Bergstein's home?		23 Q So on the 2011 time frame, if a company was
	24 A Occa- -- well, on se- -- on -- on a few		24 doing diligence with regard to Mr. Bergstein, they most
15:18:55	25 occasions, yes. When it was -- yeah. But, yeah, I was	15:21:18	25 likely would be able to see those Hollywood Reporter

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15:21:20	1 articles?	15:24:06	1 for Swartz IP?
	2 MR. WALKER: Objection. Speculation.		2 A I don't think so.
	3 THE WITNESS: I don't know what they would see,		3 Q Did you ever see any minutes of board of
	4 you know.		4 directors meetings of Swartz IP?
15:21:27	5 BY MR. WIECHERT:	15:24:24	5 A I'm pretty sure when we put together corporate
	6 Q Okay. At some point in time, did you learn		6 documents during discovery, I may have probably seen
	7 that Mr. Bergstein was using Mr. Jam's American Express		7 something, yes.
	8 account?		8 Q Do you recall that David Bergstein was the only
	9 A I'm trying to think. I don't remember.		9 director of Swartz IP?
15:22:04	10 Q All right. Now, since 1995, when you first met	15:24:35	10 A No. I don't remember that.
	11 Mr. Bergstein --		11 Q Okay. And I may be able to help your
	12 A I met him in '89.		12 recollection.
	13 Q I'm sorry. '89.		13 Would you ever use David Bergstein's signature
	14 You started working for him in '95; is that		14 stamp without his permission?
15:22:20	15 correct?	15:25:01	15 A No.
	16 A January 1st of '95.		16 Q Would you ever do anything contrary to
	17 Q So would it be fair to say that Mr. Bergstein		17 Mr. Bergstein's direction?
	18 has been your supervisor since approximately 1995?		18 A I don't think so.
	19 A I worked -- I worked for him and I reported to		19 Q So if there were a situation where Mr. Jam
15:22:35	20 him, yes.	15:25:16	20 asked you to do something and Mr. Bergstein said, "I
	21 Q And was there a point in time where you		21 don't want you to do it," would you have followed
	22 reported and worked for Kia Jam?		22 Mr. Bergstein's direction?
	23 A Well, I was in his office. I wasn't the		23 A I would --
	24 office -- David Bergstein was not there, so when Kia Jam		24 MR. MCGONIGLE: I don't think there's any
15:22:51	25 gave me instructions -- when he gave them to me. But I	15:25:22	25 foundation for that.
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15:22:54	1 would have probably done what he told me or asked	15:25:22	1 But you can answer.
	2 whatever -- asked me to do.		2 THE WITNESS: I probably would say to David
	3 Q The e-mail address you had was a Graybox LLC		3 Bergstein to -- to settle it with Kia Jam and leave me
	4 e-mail address; correct?		4 out of it.
15:23:07	5 A As I said, I had two.	15:25:35	5 BY MR. WIECHERT:
	6 Q Yes.		6 Q All right. Fair enough.
	7 One of them was a Graybox LLC e-mail address?		7 Could you please turn to Exhibit 7.
	8 A Yes. Uh-huh.		8 A Yes. I looked at it.
	9 Q Were you ever employed by Graybox LLC?		9 Q And if you turn to the second to the last row
15:23:16	10 A No. Never.	15:26:04	10 which is Swartz IP Services Group, Inc.
	11 Q Do you know who owns Graybox?		11 A Yes.
	12 A David Bergstein is a manager.		12 Q And I've been referring to that as Swartz IP,
	13 Q He's the manager of the limited liability		13 Inc.
	14 corporation?		14 So can I use that as just kind of a shortcut
15:23:28	15 A Graybox LLC is a Nevada limited liability, not	15:26:13	15 for Swartz IP Services Group, Inc.?
	16 a corporation. A company.		16 A That's fine.
	17 Q A company.		17 Q All right. It indicates on Exhibit 7 that the
	18 A And David Bergstein is the manager.		18 responsible party is Graybox LLC.
	19 Q All right. And do you know if there are any		19 Do you see that?
15:23:37	20 other managers of Graybox?	15:26:27	20 A Yes.
	21 A I -- not that I'm aware of. But I'm not --		21 Q Graybox LLC, David Bergstein was the managing
	22 Q In terms of Swartz IP, at any point in time,		22 person for that entity; correct?
	23 did you learn who is the owner of Swartz IP?		23 A That's what we -- it was a manager.
	24 A No.		24 Q A manager.
15:24:03	25 Q Did you ever see a book of share certificates	15:26:38	25 Did Kia Jam have any role in Graybox at all?

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15:26:46	1	A I don't think so.	15:30:01	1	he many times asked me -- gave me a list of the entities
	2	Q If you could now turn to Exhibit 8.		2	that I'm -- that I'm -- I'm -- I'm -- and the managers
	3	A Yeah.		3	and directors.
	4	Q In the middle of the exhibit, in an e-mail		4	Q Please look at Exhibit 10.
15:27:35	5	dated November 2nd, 2011, there is a reference to a	15:30:23	5	A Exhibit 10 now?
	6	request of Aaron Grunfeld, esquire.		6	Q Yes, please.
	7	Do you know who Aaron Grunfeld is?		7	A Uh-huh.
	8	A Aaron Grunfeld, he's an attorney.		8	Q In Exhibit 10, it's an e-mail that you sent to
	9	Q He's an attorney.		9	mkatz@vcorpservices?
15:27:47	10	Aaron Grunfeld does work for David Bergstein;	15:30:39	10	A Yes.
	11	correct?		11	Q And someone else at VCorp Services.
	12	A Among -- I guess he has other clients, but yes.		12	And I take it they are both ladies attaching a
	13	Q David Bergstein is one of his clients?		13	confirmation of filing with the State of Texas?
	14	A I would say so, yes.		14	A Yes. Yes.
15:28:15	15	Q Could you now turn to Exhibit 9?	15:30:54	15	Q Who prepared the filing for the State of Texas?
	16	A (Witness complies.)		16	A I think Aaron Grunfeld incorporated this
	17	Q On November 8, 2011 at 9:30 p.m., Kia Jam sent		17	entity, I think.
	18	you an e-mail referring to Swartz IP Services. And an		18	Q Now, if you turn to the second page, about
	19	e-mail -- he inquires, "Is this the one that KG" -- "KJM		19	two-thirds of the way down, it identifies the director
15:28:46	20	owns?"	15:31:12	20	of Swartz IP Services group.
	21	Do you see that?		21	Do you see that?
	22	A I see that.		22	A Yes.
	23	Q And then you respond, "This is owned by K.Jam		23	Q And who was the director identified there?
	24	Owari, but K.Jam will be named as responsible party when		24	A Apparently, according to this document, it was
15:28:57	25	we file for an EIN number."	15:31:22	25	Aaron Grunfeld, the attorney.
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15:29:00	1	You saw your response?	15:31:26	1	Q Yes. And now, if you turn to page 508, at the
	2	A Uh-huh.		2	bottom you'll see there's some Bates stamps.
	3	Q Now, this information you were conveying to		3	And Exhibit 508 was part of the package that
	4	Mr. Jam, where did that come from?		4	was submitted to the State of Texas; correct?
15:29:12	5	A I have no idea.	15:31:54	5	A That -- hold on one second.
	6	Q You didn't personally know that information;		6	No. It just says "confirmation of filing with
	7	correct? Someone told it to you?		7	the State of Texas." That's all that was submitted to
	8	A I would not know one way or the other. I		8	the ladies. It doesn't say anything about anything
	9	really don't.		9	else.
15:29:25	10	Q So at this point, you have no information about	15:32:08	10	Q Well, if you go to Exhibit -- page 507, the
	11	what the source was that caused you to say, "This is		11	page before, there is a certificate of filing of Swartz
	12	owned by K.Jam and Owari, but K.Jam will be named as		12	IP Services grouping.
	13	responsible party"?		13	Do you see that?
	14	A When we filed for an EIN number.		14	A I see here attached -- I'm sorry. I -- I --
15:29:39	15	Q Yes.	15:32:40	15	I'm a little bit confused. You say here, "Attached
	16	A Then we never filed for an EIN number for		16	please find con-" -- "confirmation of filing with the
	17	Owari.		17	State of the Texas. Please let us know how soon you can
	18	Q Yes.		18	get a" -- "a" -- "a good standing."
	19	You -- you have no idea where that information		19	So I sent this to them. And I think that's all
15:29:47	20	came from?	15:32:50	20	that was sent to them. We can look how many attachments
	21	A No.		21	attached.
	22	Q And it doesn't strike you as odd that Mr. Jam		22	Q There are a number of attachments to this
	23	wouldn't know that information and would have to ask you		23	e-mail.
	24	about what his company owned?		24	A I -- I -- I think it has only this attachment.
15:29:58	25	A No. It didn't strike me as odd at all because	15:33:09	25	Q Now, let's then direct you to a couple of

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15:33:12	1 pages. And the first page is exhibit -- of this exhibit	15:35:31	1 by Mr. Bergstein as of December 2nd, 2010?
	2 is on the page Bates-stamped 508.		2 A That's what -- yes.
	3 A This one?		3 Q And then on the next page, there is a
	4 Q Of that exhibit.		4 certif- -- certificate of secretary indicating that that
15:33:31	5 But if you'd go to 508 to the bottom.	15:35:57	5 was -- the previous page was a resolution adapted by the
	6 MR. MCGONIGLE: To the bottom right corner.		6 board of directors.
	7 THE WITNESS: Okay.		7 A Okay.
	8 BY MR. WIECHERT:		8 Q And do you see the signature line for David
	9 Q Thank you.		9 Bergstein as secretary there?
15:33:44	10 A Okay.	15:36:08	10 A Yes.
	11 Q Do you see at the bottom of the page there is a		11 Q And that's his signature stamp?
	12 signature line for David Bergstein, director?		12 A Yes.
	13 A Yes.		13 Q Thank you.
	14 Q And above that, is that the David Bergstein		14 If you'd now please turn to Exhibit 11.
15:33:55	15 signature stamp?	15:36:35	15 A Okay.
	16 A Yes.		16 Q These are a series of checks that were shown to
	17 Q Would David Bergstein sometimes use his		17 you by Mr. Walker?
	18 signature stamp himself?		18 A Yes.
	19 A I don't think so.		19 Q All these checks are on a Wells Fargo account;
15:34:03	20 Q So if a signature stamp appears, it's typically	15:36:47	20 correct?
	21 because you've stamped at -- at his direction?		21 A Correct.
	22 A Yes.		22 Q Do you know how many accounts Swartz IP had?
	23 Q Would you ever use his signature stamp without		23 A No.
	24 his permission?		24 Q Do you recall that they had an account at
15:34:14	25 A No.	15:36:57	25 Deutsche Bank?
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15:34:15	1 Q So if we see David Bergstein's signature stamp	15:36:59	1 A I heard of this later on, yes.
	2 on a document, it means that at some point in time, he		2 Q You heard of it later on?
	3 asked you to place that signature stamp there?		3 A Yes.
	4 A Or I asked him, "May I stamp" -- "may I use		4 Q Do you recall having any involvement and helped
15:34:27	5 your signature stamp to put it on this one?"	15:37:05	5 setting up the Deutsche Bank account?
	6 Q Have you seen this document before, this		6 A It's very possible that I -- because, I mean,
	7 resolution adapted by a sole director of Swartz IP		7 when documents needed to be signed, it's very possible
	8 Services grouping?		8 that I helped facilitate them. That's very possible,
	9 A It's very possible.		9 yes.
15:34:41	10 Q Your recollection based on your practice would	15:37:17	10 Q And I will help you out there, I promise.
	11 be that since his signature stamp is on this document,		11 A Okay.
	12 that you would have seen it at the time you placed his		12 Q Do you also recall Swartz IP had an account at
	13 signature stamp there?		13 Wells Fargo?
	14 A Yes.		14 A Yes, that's -- I did about this before.
15:34:57	15 Q And you see also that based on this resolution,	15:37:29	15 Q Do you recall who the signatory was on the
	16 David Bergstein is identified as the president of Swartz		16 Wells Fargo account?
	17 IP; correct?		17 A That, I think -- well, according to this, it
	18 A And the secretary.		18 was David Bergstein.
	19 Q And the secretary.		19 Q Do you recall that he was the sole signatory on
15:35:09	20 And the sole director; correct?	15:37:40	20 the Wells Fargo account?
	21 A That's what it says, yes.		21 A I didn't set this account up and I didn't keep
	22 Q And do you have any information that any of		22 records of it, so I wouldn't know. So --
	23 that was untrue?		23 Q Okay. Do you know of any other signatories on
	24 A I have no information of it whatsoever.		24 the Wells Fargo account other than David Bergstein?
15:35:27	25 Q And you see that that was at least certified to	15:37:49	25 A I wouldn't know either way.

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15:37:51	1	Q And in -- in terms of the Deutsche Bank	15:41:34	1	Do you see that?
	2	account, did you know of any other signatories other		2	A Yes.
	3	than David Bergstein on the Deutsche Bank account?		3	Q Who owned Pineboard Holding LLC?
	4	A I didn't even know that David Bergstein was a		4	A I have no idea.
15:38:00	5	signatory on the -- on the Deutsche Bank account.	15:41:41	5	Q Do you know what this million dollars was for?
	6	Q All right.		6	A No.
	7	A At the time I'm talking now. I mean, now,		7	Q Since -- I'm sorry. Withdraw the sentence.
	8	it's --		8	The e-mail says you just spoke with David.
	9	Q If you turn to Exhibit 14.		9	Is that David Bergstein?
15:38:42	10	A Yes.	15:41:58	10	A Yes.
	11	Q This is a direction from David Bergstein dated		11	Q And he asked you, you being Majid, to arrange
	12	April 16, 2012 to you and Kia Jam saying, "Please wire		12	for one additional wire out of Pineboard Holdings in the
	13	20,000 from IA to Jerry Swartz."		13	amount of \$1 million.
	14	A Correct.		14	Do you see that?
15:39:06	15	Q I believe you testified that you did not	15:42:13	15	A Yes.
	16	control the IA bank account; correct?		16	Q So in this case, David Bergstein is directing
	17	A Correct.		17	the movement of \$1 million out of Pineboard; correct?
	18	Q So this was a direction by David Bergstein to		18	A Well, I -- I don't know what he was directing.
	19	Kia Jam to wire money from IA to Jerry Swartz?		19	I can only read the e-mail. So I spoke with David and
15:39:19	20	A And he probably included me in order to make	15:42:27	20	he asked that "You arrange for one."
	21	sure it was done into follow-up.		21	Q All right. Please turn to Exhibit 17.
	22	Q So David Bergstein was directing Kia Jam to do		22	A I'm sorry. I'm --
	23	something; correct?		23	MR. MCGONIGLE: I think that's it.
	24	A That's the way it looks here, yes.		24	THE WITNESS: Huh?
15:39:31	25	Q And -- and it wasn't unusual for David to give	15:43:05	25	MR. MCGONIGLE: I think that's it.
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15:39:34	1	directions to Kia, was it?	15:43:05	1	THE WITNESS: This is 9.
	2	A Well, I see it here so I don't know.		2	MR. MCGONIGLE: Oh, it's 9? It says, "Kia Jam"
	3	Q Do you know what -- who Jerry Swartz was?		3	in the upper right-hand corner.
	4	A Jerry Swartz -- I mean, it's very hard for me		4	THE WITNESS: 17?
15:39:53	5	to describe who he was. He was a -- I think a scientist	15:43:11	5	BY MR. WIECHERT:
	6	of some kind. And I think he had some sort -- I mean,		6	Q 17.
	7	again, this is just from the top of my head. He had		7	It's an e-mail from you to Keith Wellner at
	8	some -- he worked at the university. He was in some		8	Weston Capital.
	9	research and then he got very sick.		9	A Oh, yes, I -- I have it here.
15:40:14	10	Q Did you learn that from David Bergstein?	15:43:36	10	Q Did you ever meet Keith Welner?
	11	A No. I -- I met Jerry Swartz a few times.		11	A Yes.
	12	Q Do you know whether Jerry Swartz had any		12	Q He was in Santa Monica?
	13	ownership interest in Swartz IP?		13	A Yes.
	14	A I have no idea.		14	Q Did you know he worked for a company called
15:40:28	15	Q Do you know whether Swartz IP was named in part	15:43:43	15	Weston Capital?
	16	because of David Bergstein's relationship with Jerry		16	A I don't think so.
	17	Swartz?		17	Q Do you know whether or not Weston Capital
	18	A I would not know.		18	provided any services to the plaintiff in this case?
	19	Q All right. If you turn to Exhibit 15.		19	A I have no idea.
15:41:03	20	A (Witness complies.)	15:43:55	20	Q Now, in this e-mail, you say, "Hi, Keith" --
	21	Q At the bottom of the first page, 479, there's		21	that being Keith Welner -- "attached please find the
	22	an e-mail from you to Majid, Mr. Jam, and David		22	bylaws for Swartz IP Services Group. Please let me know
	23	Bergstein copied to Steve Piskula indicating that there		23	if you need anything further. @Frymi."
	24	was a wire transfer out of Pineboard Holding LLC in the		24	A Yes.
15:41:33	25	amount of \$1 million.	15:44:11	25	Q You copied David Bergstein on this e-mail;

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15:44:13	1	correct?	15:47:21	1	Do you see that?
	2	A Yes. Uh-huh.		2	A I see that, yes. Number 2, yes.
	3	Q You did not copy Kia Jam, did you?		3	Q But have we -- have you seen any documents ever
	4	A Apparently not, no.		4	appointing Kia Jam president of Swartz IP?
15:44:23	5	Q Do you know who owns Owari Opus?	15:47:38	5	A I don't think so. I mean, I -- again, I
	6	A I have no idea.		6	don't -- I don't remember.
	7	Q If you could now turn to Exhibit 20.		7	Q Have you ever seen Kia Jam sign as president of
	8	A Okay. Uh-huh, yes.		8	Swartz IP?
	9	Q And on Exhibit 20, we saw earlier the request		9	A I don't remember either way.
15:45:03	10	by David Bergstein for the million-dollar transfer out	15:47:53	10	Q So let's start with a new exhibit. And this
	11	of Pineboard Holdings?		11	will be Exhibit No. 25.
	12	A Uh-huh.		12	(Exhibit 25 was marked for
	13	Q If you look at the responsible party for		13	identification by the Court Reporter
	14	Pineboard, do you see that it's Graybox that's listed on		14	and is attached hereto.)
15:45:18	15	this document?	15:48:14	15	MR. WIECHERT: And, Jim, can I ask you just to
	16	A Yes.		16	pass my pen over?
	17	Q And that's the company David managed?		17	MR. WALKER: Oh, of course.
	18	A As I said before, when it says "responsible		18	MR. WIECHERT: Thank you.
	19	party," this was the entity we used to apply for an EIN		19	BY MR. WIECHERT:
15:45:31	20	number.	15:48:35	20	Q Ms. Biedak, have you ever seen Exhibit 25
	21	Q Right.		21	before?
	22	Graybox was a company that David managed;		22	A It looks -- I -- I think so.
	23	correct?		23	Q Did you prepare it?
	24	A Yes.		24	A It's very possible, yes, because that's how I
15:45:40	25	Q Now, please look at Exhibit 22.	15:48:55	25	would prepare a document.
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15:45:58	1	A Yes.	15:48:57	1	Q All right. Do you recall where the information
	2	Q Did you prepare this document?		2	came from that you placed on this document?
	3	A No, as I said before.		3	A Well, I probably would have looked at the
	4	Q Do you have any idea where the information came		4	articles of -- the -- certificate, information or
15:46:02	5	from that was placed on this document?	15:49:18	5	whatever at -- maybe at the -- maybe at the EIN number.
	6	A The only person I can think of -- and I'm not		6	Q This is interesting.
	7	sure, and I'm really not sure -- would be in 2010,		7	Do you recall speaking with anyone to obtain
	8	maybe, and I can only say maybe, Jeffrey Solomon.		8	information concerning Swartz IP other than looking at
	9	Q You're speculating now; correct?		9	legal documents?
15:46:30	10	A Yes, I'm speculating.	15:49:44	10	A Possibly, yes. I would assume so because I
	11	Q Other than this speculation, you have no		11	don't know how to answer any of -- when it says your
	12	knowledge?		12	name, I would not answer all these questions. I
	13	A No. No idea.		13	wouldn't know how to answer them.
	14	Q All right.		14	Q And is this a document -- if you were preparing
15:46:35	15	A Never seen this document.	15:49:57	15	it, you would be preparing it in the course of your
	16	Q If you turn to page 3. And it's a description		16	regular course of business working for Mr. Bergstein?
	17	of Swartz IP. On line 4, it says, "David to provide		17	Would you prepare this as part of your job for
	18	date and description of all transactions, including		18	Mr. Bergstein?
	19	transactions with approximately 40 theaters conducted by		19	A I don't even know what this document was for,
15:46:59	20	Swartz to date."	15:50:13	20	quite frankly.
	21	Do you know of any theater transactions that		21	Q All right.
	22	Swartz had?		22	A For which purpose.
	23	A No.		23	Q There is certain information on this document.
	24	Q It also indicates that on line 2 that Keith was		24	A Uh-huh.
15:47:20	25	to be appointed president.	15:50:18	25	Q And I want to focus -- first of all, there's a

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15:50:21	1	question about names of individuals with ten or more	15:54:18	1	the attachments?
	2	ownership -- 10 percent or more ownership or control of		2	A When you say "recognize" -- when was it sent?
	3	the company. And first is listed Owari Opus on some		3	Q Well, let's walk through --
	4	majority of interest, 87.5 percent.		4	A Eight years ago.
15:50:38	5	Do you see that?	15:54:29	5	Q Let's walk through it.
	6	A Yes, I do.		6	A Sure.
	7	Q You've indicated earlier you don't know who		7	Q The from line is from you; correct?
	8	owns Owari Opus; correct?		8	A Yes.
	9	A That's correct.		9	Q And it's sent on November 10th, 2011 at 4:56 to
15:50:46	10	Q It then says, "David Bergstein is the president	15:54:38	10	a seanedr- -- seanedrington@db.com.
	11	of Owari Opus."		11	Do you see that?
	12	Do you see that?		12	A Yes.
	13	A I see that, yes.		13	Q And a Alisa Liley is also a recipient?
	14	Q Do you have any information as to whether or		14	A Yes.
15:50:55	15	not David Bergstein was the president of Owari Opus?	15:54:49	15	Q And do you recall that Sean Ed- -- Edrington
	16	A I -- I don't. And I don't know -- I did not		16	was a representative of Deutsche Bank?
	17	think that he was, actually.		17	A Yes.
	18	Q And Jerry Swartz owning 12.5 percent of Swartz		18	Q As was Alisa Liley?
	19	IP.		19	A She was the assistant, I think.
15:51:12	20	Do you know whether he ever became a	15:54:58	20	Q She was his assistant?
	21	shareholder of Swartz IP?		21	A Well, I don't think she, like -- I think she
	22	A I wouldn't know either way.		22	was more like an associate.
	23	Q Then there is -- at the bottom, there are		23	Q A coequal? They both did work at the bank?
	24	financial questions. And the first relates to total		24	A Yes.
15:51:27	25	annual income and it says "2 million to \$5 million for	15:55:10	25	Q And the subject matter was "Swartz IP Group,
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15:51:31	1	total annually" -- "annual income."	15:55:14	1	Inc., New Account with Deutsche Bank."
	2	Do you see that?		2	Do you see that?
	3	A Yes.		3	A Yes, I do.
	4	Q Do you know whether or not Swartz IP ever		4	Q The importance on e-mail was high.
15:51:36	5	generated 2 to \$5 million in annual income?	15:55:21	5	Now, is that because you designated it as high?
	6	A I have no idea.		6	A I pretty much put everything as high.
	7	Q And in terms of liquid net worth, over		7	Q There was a sense of urgency in everything?
	8	\$5 million, do you have any information about that line?		8	A It was always.
	9	A I have no idea.		9	Q Always a sense of urgency. I get it.
15:51:48	10	Q And do you have any information about the total	15:55:31	10	The purpose of the e-mail was to provide
	11	net worth over \$5 million?		11	Deutsche Bank information needed to set up a new account
	12	A No.		12	for Swartz IP group; correct?
	13	Q Thank you.		13	A Yes.
	14	This will be Exhibit 26.		14	Q And so you gathered the information and then
15:52:21	15	(Exhibit 26 was marked for	15:55:49	15	you transmitted it by e-mail; correct?
	16	identification by the Court Reporter		16	A Yes.
	17	and is attached hereto.)		17	Q Going through this document -- well, let's
	18	THE WITNESS: You want me to look at this?		18	start with basically the last two pages.
	19	BY MR. WIECHERT:		19	Do you recognize the last page as
15:53:12	20	Q Yes, please.	15:56:20	20	Mr. Bergstein's driver's license?
	21	Ms. Biedak, it's a multipage document. And		21	A Yes.
	22	just take a look through. Take as much time as you need		22	Q Do you recognize what appears to be on the
	23	to determine what it relates to.		23	second to the last page a photocopy of the passport of
	24	A Okay.		24	Mr. Bergstein?
15:54:16	25	Q All right. Do you recognize this e-mail and	15:56:33	25	A Yes.

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15:56:38	1 Q You'll also notice that -- one, two, three --	16:00:00	1 A All right.
	2 four pages earlier, there is a certificate of secretary	2	Q Two-thirds of the way down, there is a box
	3 of Swartz IP Group, Inc. that was bearing the signature	3	checked for entities' annual income.
	4 of David Bergstein; correct?	4	Do you see that?
15:56:59	5 A Yes.	16:00:06	5 A Yes.
	6 Q Mr. Bergstein was designated the president of	6	Q And it shows 1 million to \$5 million?
	7 Swartz IP on the corporate account authorization. And	7	A That's what it says.
	8 if you go to page -- let me count them. One, two,	8	Q Yes.
	9 three, four, five, six, seven, eight.	9	Do you know where that information came from?
15:57:38	10 A Yes. I looked at it.	16:00:12	10 A No.
	11 Q All right. Nine and ten. Six, seven, eight	11	Q Okay. But you do know it was submitted to the
	12 nine, and ten. Well, let's do this. All right. I	12	bank?
	13 don't want to -- if you can go to the page that states	13	A If this is the do- -- if -- if this is the
	14 "corporate and other organized entities."	14	e-mail and it lists the documents here, because it says,
15:58:03	15 A Which page is this?	16:00:22	15 "completed and signed corporate account authorization"
	16 Q I'll make it easier. I'm sorry. And then	16	or whatever those -- the -- the three first forms then
	17 we'll walk through it.	17	yes, it was probably submitted to the bank.
	18 There you go.	18	Q All right.
	19 A Thank you.	19	A Most likely.
15:58:23	20 Q And it appears that the information on the page	16:00:32	20 Q And then there is also a checked box for
	21 entitled "Corporate and Other Organized Entities" was	21	entity's net worth excluding principal residence and it
	22 inputted on a computer rather than handwritten?	22	shows \$5 million or more.
	23 A Yes.	23	Do you see that?
	24 Q Did you input this information?	24	A I see that, yes.
15:58:47	25 A It's possible. It could have been also put in	16:00:43	25 Q And it indicates that approximately 80 percent
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15:58:50	1 by the bank, by Alisa Liley.	16:00:46	1 of the net worth is in investable asset stocks bonds, et
	2 Q If the bank put it in, would it have been based	2	cetera.
	3 on information that was provided by someone outside the	3	Do you see that?
	4 bank; correct?	4	A Where is this?
15:58:58	5 A That's the way I see it, yes.	16:00:57	5 Q That's about -- that's in the --
	6 Q Do you recall providing the bank information	6	MR. MCGONIGLE: Right this one here.
	7 about Swartz IP's financials?	7	BY MR. WIECHERT:
	8 A I don't -- I don't remember.	8	Q Right under the annual income and net worth.
	9 Q You did, though, ultimately send them the	9	A Yes.
15:59:11	10 package to open this new account pursuant to the e-mail?	16:01:05	10 Q Yes.
	11 A Pursuant to the e-mail, yes.	11	A I can see it, yeah.
	12 Q Now, you'll notice on the "Corporate and Other	12	Q Do you know whether Swartz IP at the time that
	13 Organized Entities" page, there is a box checked for	13	this information was submitted to the bank had
	14 entities' annual income and it shows 1 to \$5 million.	14	investable assets of approximately \$4 million or more?
15:59:30	15 Do you see that?	16:01:25	15 A I wouldn't know one way or the other.
	16 A One to \$5 million. I'm sorry. Wh- -- where is	16	Q If you go to the next page, it says "Authorized
	17 this?	17	Parties Details."
	18 Q It's about two-thirds of the way down.	18	Do you see that?
	19 MR. MCGONIGLE: What page are you looking at?	19	A Appro- -- yes, I do. I do.
15:59:47	20 MR. WIECHERT: "Corporate and other organized	16:01:41	20 Q All right. And there is only one authorized
	21 entities."	21	party there; correct?
	22 MR. MCGONIGLE: That is the page before that.	22	A That's David Bergstein.
	23 THE WITNESS: This one?	23	Q And was that his legal address, 6433 Topanga
	24 BY MR. WIECHERT:	24	Canyon Boulevard, Suite 154, Canoga Park as of
15:59:59	25 Q Yes.	16:01:57	25 November 10th, 2011?

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16:02:01	1	A I -- I would have not put this address in.	16:04:35	1	Q Now, if you go two pages over, there is a
	2	Q Why not?		2	corporate account authorization and terms and conditions
	3	A Because I was not -- I never used his address		3	officer certificate.
	4	for -- for -- for anything. I would have put in		4	Do you see that?
16:02:15	5	probably the -- the Colorado address.	16:04:50	5	A Yes.
	6	Q What was his address? What was there at 6433		6	Q And it identifies David Bergstein as having
	7	Topanga Canyon --		7	what title with Swartz IP?
	8	A It was a mailing address. I think it was a		8	A It says here "president."
	9	mailing address for David Bergstein.		9	Q And then does he sign as president on this
16:02:25	10	Q It was David Bergstein's mailing address?	16:05:14	10	document?
	11	A I think so, yes.		11	A It's a signature stamp.
	12	Q Is there actually a suite there or is it just a		12	Q Yes.
	13	mailbox?		13	And on the next page, does he also have a
	14	A I think it's a mailing -- I think it's a		14	signature stamp appear as president of Swartz IP?
16:02:35	15	mailbox.	16:05:27	15	A Yes.
	16	Q If you go farther down, it shows a business		16	Q And does it also appear as secretary of Swartz
	17	phone of (310)828-1515.		17	IP?
	18	A That is my direct line. Still is.		18	A Yes.
	19	Q That's your direct line, not Mr. Bergstein's		19	Q Mr. Bergstein was the sole signatory on the
16:03:01	20	direct line?	16:05:43	20	Swartz IP account; correct?
	21	A My direct line.		21	A Well, that, I don't know.
	22	Q And there is a cell phone number of		22	Q Do you know of anyone else who was?
	23	(213)618-3036.		23	A I wouldn't know either way.
	24	Whose number is that?		24	Q Do you recall that once this account was
16:03:09	25	A That used to be David Bergstein's.	16:06:26	25	opened?
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16:03:16	1	Q All right. If you go to the next page.	16:06:30	1	A Are you talking about the account with Deutsche
	2	A (Witness complies.)		2	Bank?
	3	Q For account contact, they identify you as the		3	Q Yes.
	4	assistant to David Bergstein.		4	A Uh-huh.
16:03:30	5	Do you see that?	16:06:34	5	Q Once the Deutsche Bank account was opened that
	6	A Yes.		6	there were a number of transactions that took place
	7	Q So when this was submitted, you were identified		7	through the Deutsche Bank account?
	8	to the bank as the account contact for the Swartz		8	A I found out later about that.
	9	account?		9	Q You found out later about that?
16:03:42	10	A No. Not really. I was assistant to David	16:06:46	10	A At the time of discovery.
	11	Bergstein who basically gave the paperwork.		11	Q Okay. Let's mark as Exhibit 27 an e-mail from
	12	Q So who was the bank's account contact for this?		12	David Bergstein to Sean Edrington as well as the related
	13	A For the accounting, I have no idea.		13	e-mail that copied you.
	14	Q Not for an accounting standpoint.		14	(Exhibit 27 was marked for
16:04:01	15	But if the bank had a question about the Swartz	13:30:33	15	identification by the Court Reporter
	16	IP account based on this paperwork that you submitted,		16	and is attached hereto.)
	17	who would the question go to?		17	BY MR. WEICHERT:
	18	A Well, they would probably call David Bergstein.		18	Q And if you look at the e-mail on the bottom of
	19	If he didn't answer the phone, they probably would call		19	Exhibit 27, that's the one that's earlier in time.
16:04:14	20	me and ask me to go to -- get in touch with	16:07:26	20	It was sent from David Bergstein to Sean
	21	Mr. Bergstein.		21	Edrington, copied to Alisa, who's at the bank and you;
	22	Q And you can look through the document to -- or		22	correct?
	23	take my representation, but Mr. Jam was nowhere		23	A Yes.
	24	mentioned in any of these papers; correct?		24	Q It's a 10:09 a.m. Pacific Standard Time;
16:04:28	25	A I didn't see his name, no.	16:07:44	25	correct?

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16:07:45	1 A Yes.	16:10:03	1 BY MR. WEICHERT:
	2 Q And it states, "Sean, Frymi will be sending one		2 Q Here is 28.
	3 last wire for about 1.2 million. This will be the last		3 (Exhibit 28 was marked for
	4 one that goes out from this deposit. I need all three		4 identification by the Court Reporter
16:07:57	5 out this morning. I will get back to you in a few	16:10:19	5 and is attached hereto.)
	6 minutes regarding the e-mail from Eric."		6 BY MR. WEICHERT:
	7 Do you recall being involved in sending out a		7 Q Do you recognize Exhibit 28?
	8 wire of \$1.2 million out of the Deutsche Bank account on		8 A It's an e-mail from me to Sean Edrington and --
	9 or about November of 17, 2011?		9 yeah, to Sean Edrington.
16:08:13	10 A I didn't have access to this account.	16:10:50	10 Q It is just the same days you -- earlier e-mail
	11 Q I'm sorry?		11 that we saw which is Exhibit 27?
	12 A I didn't have access to this account. Not		12 A Yes.
	13 online, not offline. I didn't even know what the		13 Q In it you state, "Hi, Sean and Alisa, we faxed
	14 account number was.		14 you instructions for another wire transfer. See
16:08:22	15 Q So when David says, "Frymi will be sending one	16:11:02	15 attached."
	16 last wire for about 1.2 million" --		16 A Yes.
	17 A I --		17 Q And looking at the attachment, do you
	18 Q -- that's not true?		18 understand that this what you sent to Mr. Edrington and
	19 A I think he was more referring to instructions		19 Ms. Liley on November 17?
16:08:33	20 for a wire transfer.	16:11:12	20 A I would assume so, yes.
	21 Q And those would be instructions that he would		21 Q Is that David's -- Bergstein's signature stamp
	22 have started with and given to you?		22 at the bottom of page 2 of this exhibit?
	23 A That's the way I see it, yes.		23 A It is, yes.
	24 Q Okay. So when it says, "Frymi will be sending		24 Q And he is authorizing a wire out of the above
16:08:43	25 out one last wire for about \$1.2 million," Frymi --	16:11:26	25 referenced account that's being the Swartz IP Services
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16:08:47	1 Ms. Biedak -- Biedak, you're not making the decision to	16:11:29	1 Group account at Deutsche Bank in the amount of
	2 send out that wire to David Bergstein?		2 \$1,274,325; correct?
	3 A I would -- yes. Yes.		3 A That's what it says, yes.
	4 Q Okay. And you will notice on this e-mail that		4 Q All right. So in November 17th, 2011, David
16:08:59	5 Kia Jam is not copied; correct?	16:11:42	5 Bergstein authorized a movement out of the Swartz IP
	6 A He's not copied, no.		6 account of over \$1,200,000 to Henry Jannol?
	7 Q He didn't give you that direction to transfer		7 A That's what it says, yes.
	8 the \$1.2 million; correct?		8 Q Who was Henry Jannol?
	9 A That's correct, yes.		9 A He's an attorney.
16:09:10	10 Q All right. And then David Bergstein follows up	16:11:57	10 Q He's an attorney; correct?
	11 at 1:19 p.m. on the same day in an e-mail to Sean		11 A Yes. He's an attorney.
	12 Edrington and states, "Okay. But the wires need to get		12 Q And he's an attorney that David Bergstein used
	13 out today no matter what. Remember, Paul has you on		13 in the 2011 time frame?
	14 speed dial."		14 A That, I don't know. But I know he's an
16:09:30	15 Who is Paul?	16:12:05	15 attorney. I've known Henry for a long time.
	16 A I have no idea. I'm sorry.		16 Q Kia Jam was not mentioned on the e-mail when
	17 MR. MCGONIGLE: How long do you think we're		17 you sent it to the bank?
	18 going to be? I thought we're going to --		18 A I don't see it here, no.
	19 MR. WEICHERT: Another half hour and we'll be		19 Q And Kia Jam is not mentioned on the
16:09:55	20 done.	16:12:16	20 instruction; correct?
	21 MR. MCGONIGLE: Okay.		21 A No, didn't copy him.
	22 MR. WEICHERT: Do you want to take a break?		22 (Exhibit 29 was marked for
	23 MR. MCGONIGLE: No. I planned on being done.		23 identification by the Court Reporter
	24 I thought we were going to be done by 4:00. But all		24 and is attached hereto.)
16:09:59	25 right. I've just got to move a meeting.		25 ///

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16:12:19	1 BY MR. WIECHERT:	16:15:51	1 Fargo.
	2 Q Exhibit 29. This is an e-mail you were copied	2	Q All right. So the first page of Exhibit 31 is
	3 on November 23rd, 2011 from David Bergstein to the	3	an e-mail from you to Justin Milligan.
	4 Deutsche Bank representatives; correct?	4	Justin Milligan is a representative of Wells
16:13:13	5 A Yes.	16:16:04	5 Fargo Bank; correct?
	6 Q And attached to the e-mail was David	6	A Yes. Correct.
	7 Bergstein's authorization for more wire transfers out of	7	Q David Bergstein is copied on the e-mail; is
	8 the Deutsche Bank account; correct?	8	that right?
	9 A Yes.	9	A Uh-huh. Yes. Correct.
16:13:26	10 Q If you look at the third page, you'll see that	16:16:12	10 Q The purpose of the e-mail was to send documents
	11 there is a signature line for David Bergstein; correct?	11	to Just- -- Mr. Milligan at Wells Fargo Bank to open the
	12 A Yes.	12	account; correct?
	13 Q Do you see any involvement of Kia Jam in this	13	A Yes.
	14 e-mail or these authorizations?	14	Q Kia Jam is not on this -- copied on this --
16:13:42	15 A No. I don't see him -- or I don't see him even	16:16:24	15 A No.
	16 mentioned in the e-mail. But for the record, this is	16	Q -- e-mail; correct?
	17 Mr. Bergstein's signature. This is not the stamp. Just	17	A He's not. No.
	18 so we're clear.	18	Q No is he's not --
	19 Q That's his actual signature?	19	A He's not copied. No. He's not copied. No.
16:14:02	20 A That is his signature, yes.	16:16:33	20 Q All right. Do you recall who asked you to open
	21 Q So he personally signed that one?	21	up an account or assist in opening up an account at
	22 A I would assume so, yes.	22	Wells Fargo on behalf of Swartz IP?
	23 Q All right. Thank you for the clarification.	23	A I -- I don't remember.
	24 Exhibit 30.	24	Q We saw a series of checks that were identified
16:14:29	25 (Exhibit 30 was marked for	16:16:59	25 by the plaintiff on the Wells Fargo account, and they
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16:14:29	1 identification by the Court Reporter	16:17:02	1 were all signed by Mr. Bergstein; correct?
	2 and is attached hereto.)	2	A Yes. Yes.
	3 BY MR. WEICHERT:	3	Q So looking -- having looked at those checks and
	4 Q Were you aware of whether or not Mr. Bergstein	4	looking at Exhibit 31, does that refresh your
16:14:37	5 had a debit card that was associated with the Deutsche	16:17:12	5 recollection that it was Mr. Bergstein that asked you to
	6 Bank Swartz IP account?	6	assist him in the opening up of the Wells Fargo account?
	7 A I have no idea.	7	A The way I see it, he probably -- he may have
	8 Q And looking at Exhibit 30, does that refresh	8	told me. And this is just the way opening account was,
	9 your recollection in any way?	9	"Please send this and this person documents related to
16:14:57	10 A Is this Exhibit 30?	16:17:33	10 Swartz IP."
	11 Q Yes.	11	Q Well, would you have opened up an account at a
	12 A I have never seen a debit card. I've never	12	bank on behalf of Swartz IP without Mr. Bergstein's
	13 seen -- I've never seen anything connected with this	13	permission?
	14 account until such time as discovery was done, other	14	A I didn't open the account. I didn't open the
16:15:18	15 than those you -- I -- I must have seen those few	16:17:46	15 account. I just sent --
	16 e-mails.	16	Q Would you have assist- --
	17 Q This is Exhibit 31.	17	A -- documents. I just sent documents. I sent
	18 (Exhibit 31 was marked for	18	documents to -- what's his name? -- Justin Milligan.
	19 identification by the Court Reporter	19	Q Yes.
16:15:35	20 and is attached hereto.)	16:17:51	20 You assisted in opening the account; correct?
	21 BY MR. WEICHERT:	21	A Upon his instructions, yes.
	22 Q And this, like the Deutsche Bank packages, has	22	Q And would you have assisted in opening up a
	23 a few documents. So if you could just take a look at	23	bank account on behalf of the Swartz IP without the
	24 it, that will be great.	24	permission of Mr. Bergstein?
16:15:49	25 A This was open in bank accounts with Wells	16:18:06	25 A No. I was not a signer in any of his accounts

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16:18:10	1 ever.	16:21:17	1 Q Now, other than the Swartz IP account at
	2 Q As far as you know, Mr. Bergstein was the sole	2	Deutsche Bank, do you know of any other accounts at
	3 signer on the Wells Fargo account; correct?	3	Deutsche Bank that David Bergstein had access to?
	4 A I think so, yes.	4	A I wouldn't know either way. I didn't know what
16:18:21	5 Q And, in fact, as far as you know, Mr. Bergstein	16:21:31	5 he had access to at Deutsche Bank.
	6 was the sole signer on any account related to Swartz IP?	6	Q Well, you knew he had --
	7 A Wells Fargo, I'm fairly sure. Again, Deutsche	7	THE REPORTER: I'm sorry, what was that?
	8 Bank, I've never seen anything, so I really don't know.	8	BY MR. WEICHERT:
	9 Q Are you aware of whether or not Mr. Bergstein	9	Q -- access to the Swartz Deutsche Bank account;
16:18:56	10 ever purchased any property in Malibu?	16:21:35	10 correct?
	11 A I'm sorry?	11	A Yes. But you asked about other accounts.
	12 Q Did Mr. Bergstein or his trust or anyone	12	Q Yes.
	13 related to Mr. Bergstein ever purchase any property in	13	A And so I would not know.
	14 Malibu?	14	Q All right. Do you know why you were copied on
16:19:15	15 A If he did, then I was not involved.	16:21:44	15 this e-mail?
	16 Q This will be Exhibit 32.	16	A No. I have no idea.
	17 (Exhibit 32 was marked for	17	Q Do you know what Malibu property is being
	18 identification by the Court Reporter	18	referenced here, if it was in Malibu?
	19 and is attached hereto.)	19	A When it says on -- on the top something about
16:19:45	20 BY MR. WEICHERT:	16:21:56	20 Birdview -- 7307 Birdview, isn't this the property?
	21 Q It says -- starting with the e-mail at the	21	Q I don't know. I was asking you.
	22 bottom, March 13, 2012, 11:33?	22	Do you know about a property at 7307 Birdview?
	23 A Yes.	23	MR. MCGONIGLE: This -- you can answer the
	24 Q The first e-mail is from -- I'm sorry, let's	24	question, if you know.
16:20:19	25 deal the 11:19 a.m. e-mail. "There is a	16:22:11	25 THE WITNESS: I have no idea.
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16:20:22	1 malibuproperty@aol.com to David Bergstein's e-mail	16:22:13	1 BY MR. WEICHERT:
	2 address."	2	Q Okay. Okay. Anyway, the top e-mail indicates,
	3 Do you see that?	3	"I have checked with Deutsche Bank." This is from David
	4 A Yes.	4	Bergstein. "They confirmed the wire was sent in the
16:20:28	5 Q And you're copied on it; correct?	16:22:23	5 amount of \$186,000."
	6 A Yes.	6	Do you see that?
	7 Q And do you know who Chris Cortazzo is?	7	A Yes. Yeah.
	8 A I think he -- he was -- something with real	8	Q Okay. And -- and Kia Jam is not referenced
	9 estate.	9	anywhere on these e-mails?
16:20:41	10 Q Something --	16:22:32	10 A No, he's not.
	11 A I think, yes. I think he was a real estate	11	Q Is it correct?
	12 person. But I'm not -- I -- but I think so, yes.	12	A No.
	13 Q And whoever was at malibuproperty@aol.com	13	MR. WEICHERT: I have nothing else.
	14 inquires, "David, please see the attached notice to	14	Thank you, Ms. Biedak.
16:20:54	15 perform from the seller. The 3 percent deposit needs to	16:22:58	15 MR. WALKER: I just have a few questions
	16 be put into escrow immediately. Please advise. Thank	16	pending on the side because I'll just get back to what
	17 you. Carol Casey."	17	he just asked you about.
	18 Do you see that?	18	THE WITNESS: Okay.
	19 A Yes.	19	MR. WALKER: I can probably do it from here.
16:21:04	20 Q And then his response was, "Money was wired	16:23:06	20
	21 from Deutsche Bank."	21	FURTHER EXAMINATION
	22 Do you see that?	22	BY MR. WALKER:
	23 A Yes.	23	Q Now, you were asked by Mr. Weichert to look at
	24 Q Approximately 14 minutes later?	24	Exhibit 22 and then his Exhibit 25.
16:21:16	25 A Okay.	16:23:28	25 A Now they are not marked.

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16:23:44	1 Q Yeah. Here's what I marked.	16:25:50	1 Q Exhibit 22?
	2 MR. WALKER: Maybe you can give her the ones		2 A This document says, "Jeff to issue 1,100 shares
	3 that were marked by the reporter. And we'll compare		3 to KJ Media and a thousand shares to Owari Opus and
	4 that to 22.		4 appoint Kia president and David secretary. And take any
16:24:02	5 THE WITNESS: This is 25.	16:26:06	5 other required actions, resolution, annual meetings, et
	6 BY MR. WALKER:		6 cetera."
	7 Q That's 25.		7 Q And you just read from Exhibit 22; correct?
	8 A Thirty-two?		8 A I read this from Exhibit 22.
	9 MR. WEICHERT: 22.		9 Q Okay. And how is that different in Exhibit 25?
16:24:02	10 BY MR. WALKER:	16:26:19	10 A And in Exhi- -- Exhibit 25, it says -- what
	11 Q 22.		11 does it say here -- well, it says here, "Owari Opus."
	12 A I need 22.		12 It talks about Owari Opus owns them -- was the --
	13 (Off the record.)		13 what -- who owns what the majority. And it says David
	14 MR. WALKER: Back on the record.		14 Bergstein is the president of Owari Opus. And then it
16:24:02	15 BY MR. WALKER:	16:26:50	15 talks about Jerry Swartz, and then it says Jerry Swartz
	16 Q And you were asked about the information		16 is a stockholder of Swartz IP Services Group, Inc.
	17 regarding Swartz IP; correct?		17 Q Okay. So with respect to Exhibit 21 and
	18 A Yes.		18 Exhibit 25, you have two different descriptions of the
	19 Q And who the officers and directors might be?		19 ownership of Swartz IP; correct?
16:24:15	20 A You mean this gentleman asked me about that?	16:27:13	20 A Well, 22 doesn't talk about the ownership of
	21 Q Yes.		21 Swartz IP.
	22 A Yes.		22 Q And it talks about the officers?
	23 Q Okay. And looking at Exhibits 22 and 25, do		23 A It talks about -- what does it say. It talks
	24 you agree that -- if you could turn to the page in 22		24 about shares being issued from Swartz IP Services. And
16:24:26	25 that deals with Swartz IP at the top. I think it's the	16:27:40	25 it talks about who is getting appointment as -- as --
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16:24:35	1 last page, ma'am.	16:27:45	1 as -- as officers.
	2 A Oh.		2 Q Okay. And does the Exhibit 25 also talk about
	3 Q Is that the one that deals with Swartz IP?		3 who is going to have the percentages of ownership?
	4 MR. WEICHERT: No. Second to the last page.		4 A It says it here.
16:24:41	5 BY MR. WALKER:	16:27:57	5 Q And is that different in terms of the parties
	6 Q Second to the last page.		6 and the amounts of ownership than what is depicted in
	7 A Okay.		7 Exhibit 22?
	8 BY MR. WALKER:		8 A Well, I wouldn't know how to calculate it
	9 Q Okay. So you've got two documents in front of		9 because this one says -- specifically says 1,100 shares,
16:24:45	10 you, one marked Exhibit 22 and one marked Exhibit 25,	16:28:10	10 and this one talks in percentages, so I would have to
	11 and they both referenced to Swartz IP; correct?		11 calculate to some.
	12 A Yes.		12 Q Fair enough.
	13 Q And I think your response to Mr. Weichert's		13 But you have two different documents describing
	14 questions, he was pointing out that there's a difference		14 the ownership of the same company in two different ways,
16:25:02	15 in some of the information that's provided about the	16:28:22	15 is that fair?
	16 same company in each document; correct?		16 A I'm sorry. I must be getting really tired
	17 A He just said?		17 because I can't really -- I don't quite understand
	18 Q Yeah.		18 what -- this -- this document talks --
	19 In looking at those two exhibits, do you see		19 Q 22? Exhibit 22?
16:25:15	20 that they provide different information in some respects	16:28:47	20 A 22 --
	21 about the same company?		21 Q Yes, ma'am.
	22 A I would have to go for -- I would have to		22 A -- talks about documents to be issued shares to
	23 compare them.		23 K.Jam Media and to Owari Opus and to appoint whom as the
	24 Q Go ahead, ma'am.		24 president. Now -- and then it talks it here that Owari
16:25:47	25 A Well, this document --	16:28:58	25 Opus, Inc. owns 87.5 percent in Swartz IP Services.

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<p>16:29:06 1 Q Okay. Fair enough.</p> <p>2 If you could look at Exhibit 26. Well, very</p> <p>3 quick on Exhibit 22. Do -- we referenced the Bates</p> <p>4 number at the bottom. And you were asked about where</p> <p>16:29:22 5 that document came from, and you said that you didn't</p> <p>6 know.</p> <p>7 Is that a fair statement?</p> <p>8 A That's a fair statement. And then later on I</p> <p>9 said that I -- the only person I could think that may</p> <p>16:29:32 10 have -- may have -- may have prepared it, with that</p> <p>11 being Jeffrey Solomon.</p> <p>12 Q Okay. And what is the Bates number at the</p> <p>13 bottom of that first page?</p> <p>14 A This one?</p> <p>16:29:42 15 Q Yes, ma'am.</p> <p>16 Could you just read that literally as it reads?</p> <p>17 A JAM_TT_000532.</p> <p>18 Q Okay. So regardless of who drafted or prepared</p> <p>19 that document, did you understand that Mr. Jam produced</p> <p>16:29:58 20 it as one of his records in this case?</p> <p>21 A I know that I did not prepare it.</p> <p>22 Q Yes, ma'am.</p> <p>23 But that Bates number with the Jam designation</p> <p>24 indicates that it was produced in this lawsuit by</p> <p>16:30:13 25 Mr. Jam?</p>	<p>16:31:03 1 BY MR. WALKER:</p> <p>2 Q Yes, ma'am.</p> <p>3 Seeing this on Mr. Jam as the party that</p> <p>4 produced that record, Exhibit 22 in this lawsuit, do you</p> <p>16:31:09 5 know how he would have acquired possession of it?</p> <p>6 MR. WEICHERT: Calls for speculation.</p> <p>7 THE WITNESS: He must have looked at the</p> <p>8 records.</p> <p>9 BY MR. WALKER:</p> <p>16:31:25 10 Q And where would those records have been</p> <p>11 located?</p> <p>12 MR. WEICHERT: Calls for speculation.</p> <p>13 THE WITNESS: Do you want -- you want me to --</p> <p>14 to -- to -- to -- to say what I think?</p> <p>16:31:38 15 BY MR. WALKER:</p> <p>16 Q Yes, ma'am.</p> <p>17 A It would have been in the corporate books.</p> <p>18 Q And where were those located?</p> <p>19 A I think there was a lot of corporate books on</p> <p>16:31:58 20 the -- on the Wil- -- on the -- on the -- on the</p> <p>21 Wilshire offices.</p> <p>22 Q Okay.</p> <p>23 A Those big binders.</p> <p>24 Q And do you know whether or not Mr. Jam ever had</p> <p>16:32:08 25 occasion to be aware of that fact, to know that the</p>
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<p>16:30:13 1 A Oh.</p> <p>2 MR. WEICHERT: We'll stipulate that it was</p> <p>3 produced by us. The witness doesn't have any idea of</p> <p>4 what was produced by us.</p> <p>16:30:23 5 BY MR. WALKER:</p> <p>6 Q Do you know how Mr. Jam would have secured the</p> <p>7 information that appears in Exhibit 22?</p> <p>8 MR. WEICHERT: Objection. It's vague and</p> <p>9 ambiguous.</p> <p>16:30:35 10 THE WITNESS: If he -- if he prepared it.</p> <p>11 MR. WEICHERT: And assumes facts --</p> <p>12 MR. WALKER: Fair enough.</p> <p>13 MR. WEICHERT: -- not in evidence. Thank you.</p> <p>14 BY MR. WALKER:</p> <p>16:30:40 15 Q Fair enough.</p> <p>16 Let me ask you this: Do you know -- how would</p> <p>17 you guess that -- or how would you -- how would you</p> <p>18 estimate that Mr. Jam came to possess that document so</p> <p>19 that he could then produce it in this lawsuit?</p> <p>16:30:54 20 MR. WEICHERT: Objection. Speculation.</p> <p>21 BY MR. WALKER:</p> <p>22 Q Regardless of who prepared it?</p> <p>23 MR. WEICHERT: Calls for speculation.</p> <p>24 THE WITNESS: Can you repeat the question?</p> <p>25 ///</p>	<p>16:32:11 1 binders were there?</p> <p>2 A I don't know what he knew.</p> <p>3 Q Did you ever have occasion to know whether or</p> <p>4 not Mr. Jam actually accessed any of those corporate</p> <p>16:32:28 5 binders?</p> <p>6 A I would have no way of knowing what he did.</p> <p>7 Q Okay. Looking at the Exhibit 26, ma'am.</p> <p>8 That's the application to Deutsche Bank account from --</p> <p>9 from --</p> <p>16:32:52 10 A I'm going to look right now.</p> <p>11 Q Now, that particular document doesn't have a</p> <p>12 Bates number, does it, ma'am?</p> <p>13 A When you -- you mean this one on the --</p> <p>14 Q Yes, ma'am.</p> <p>16:33:20 15 A No, it doesn't have one. No.</p> <p>16 Q Okay. And I will represent to you that that</p> <p>17 document was also produced by Kia Jam in this lawsuit.</p> <p>18 Okay?</p> <p>19 A Okay.</p> <p>16:33:30 20 Q Knowing that Mr. Jam had possession of that</p> <p>21 document that allowed him to produce in this lawsuit, do</p> <p>22 you know how he came to possess the document?</p> <p>23 MR. WEICHERT: And let me just object for a</p> <p>24 moment.</p> <p>16:33:41 25 THE WITNESS: But --</p>

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<p>16:33:41 1 MR. WEICHERT: Because counsel is creating a 2 false impression with the witness. He knows that this 3 was an exhibit from the government's case that we 4 provided at counsel's request. So the intonation that 16:33:55 5 this is something that Mr. Jam had in his possession as 6 a business record or something is just a false -- 7 MR. WALKER: Okay, well -- 8 MR. WEICHERT: It's a false implication and -- 9 and counsel knows that. So I'll object on the grounds 16:34:08 10 that the counsel was totally misleading the witness 11 about the source of this document. 12 MR. WALKER: Okay. We'll, I'll address that. 13 You see, the records that government used as an 14 exhibit that they gave us had a government exhibit 16:34:19 15 sticker number on it. It was actually marked as a 16 government exhibit. That document doesn't have any 17 government stick- -- sticker on -- 18 MR. WEICHERT: And we deleted the government 19 exhibit number on all of these exhibits because we don't 16:34:30 20 believe that the government's prosecution is going to be 21 a matter that's going to be considered by the jury. 22 MR. WALKER: And there -- there was also a 23 Bates number for Mr. Jam that was on the document he 24 produced in the case, and yet that document doesn't have 16:34:43 25 this Bates number on it either, suggesting that what</p>	<p>16:35:42 1 know how Mr. Jam would have come to possess those 2 records? 3 MR. WEICHERT: Calls for speculation. 4 Misleading the witness. 16:35:54 5 THE WITNESS: May I ask something? 6 BY MR. WALKER: 7 Q Sure. 8 A Which one is the government's Bates number? Is 9 it this one? 16:36:01 10 Q The government sticker? It's actually a 11 sticker like that yellow one. It's a square sticker. 12 It says "Government EX" and it has a number on it. 13 A And this one is from whom is this? 14 Q That shows that that's the prefix. The JAM_TT 16:36:12 15 is the prefix that they used to mark the documents that 16 they have produced in this lawsuit. 17 A Okay. I just was wondering. 18 Q Yes, ma'am. 19 A And these ones we just put right now? 16:36:25 20 Q Yes. 21 A Okay. Got it. 22 Q Those are the ones that the court reporter put 23 on so that the exhibit would have a sticker on it. 24 A Okay. I get it. 16:36:32 25 Q So my question to you, ma'am, is: Do you know</p>
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<p>16:34:48 1 Mr. Weichert has used as an exhibit in this case today 2 is not the government's exhibit, or even the document 3 they produced with the Bates number, but the actual 4 record that was in Mr. Jam's possession. 16:35:01 5 So based upon the fact that there is no 6 government exhibit sticker on it, and based upon the 7 fact that the actual exhibit you used in your deposition 8 has no Bates number on it, I think my question is a fair 9 one. 16:35:12 10 I'm not trying to mislead you. 11 MR. WEICHERT: You are, actually, Counsel. 12 This came from the government's exhibit because I pulled 13 it from the government's exhibit. 14 MR. WALKER: I'm asking my question. So if you 16:35:20 15 have an objection -- 16 MR. WEICHERT: Okay. Yeah. The objection is 17 it's total speculation. So if you want to deal with 18 this later on, we can, but this witness doesn't know 19 where this document came from other than I showed it to 16:35:31 20 her. 21 MR. WALKER: Okay. Fair enough. 22 BY MR. WALKER: 23 Q So my question to you, ma'am, is: Seeing as 24 that -- that record doesn't have a government exhibit 16:35:40 25 sticker and it doesn't have a Bates number on it, do you</p>	<p>16:36:35 1 how Mr. Jam would have had access to the record that's 2 marked as Exhibit 26? 3 MR. WEICHERT: Calls for speculation. 4 MR. MCGONIGLE: Do you have 26 in front of you? 16:36:50 5 THE WITNESS: Yes. That he was not copied on. 6 You want -- you want -- you want to ask -- 7 BY MR. WALKER: 8 Q Yes, ma'am. 9 A -- me when he was not copied -- 16:36:51 10 Q Yes. 11 A -- how he would have gotten the document? 12 Q Yes. 13 A Is this the question? 14 Q Yes. 16:36:56 15 Was that record -- would that record have been 16 available at the Colorado Boulevard office? 17 A Well, he was not copied on the e-mail, so I 18 don't know how he would have gotten it. 19 Q Okay. Fair enough. 16:37:12 20 Now, going to -- 21 A I'm sorry, could I just step out for one 22 second? 23 Q Of course. 24 A Can I go to the restroom? 16:37:23 25 Q Absolutely.</p>

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16:37:23	1 Watch your microphone, ma'am.	16:45:22	1 Q Now, with respect to the fact that Mr. Jam is
	2 A Oh, yes. Thank you.		2 not copied on the e-mail, do you know whether or not
	3 THE VIDEOGRAPHER: The time is 4:37 p.m. We		3 Mr. Jam and Mr. Bergstein discussed that loan or the
	4 are now off the record.		4 opening of that account, rather?
16:37:26	5 (A recess was taken.)	16:45:37	5 A I wouldn't know either way.
	6 THE VIDEOGRAPHER: We are back on the record.		6 Q And just because Mr. Jam doesn't get copied on
	7 The time is 4:42 p.m.		7 the e-mail to Deutsche Bank doesn't mean that he wasn't
	8 BY MR. WALKER:		8 aware that this was being done; right?
	9 Q All right. Ma'am, do you have Exhibit 26		9 MR. WEICHERT: The question is argumentative.
16:43:08	10 before you?	16:45:53	10 BY MR. WALKER:
	11 A I do.		11 Q You can answer the question.
	12 Q All right. Now, there were a couple of		12 THE WITNESS: Can you repeat?
	13 instances on that document were you know that the --		13 BY MR. WALKER:
	14 Mr. Bergstein's signature stamp was used?		14 Q Yes, ma'am. I'd be glad to.
16:43:16	15 A Yes.	16:45:59	15 The fact that Mr. Jam is not copied on that one
	16 Q Okay. And is it correct that Mr. Bergstein		16 e-mail doesn't suggest that he didn't know anything
	17 never used his own signature stamp, that he would sign a		17 about it, does it?
	18 document if he was signing it?		18 A Doesn't suggest anything.
	19 A I don't think he used the signature stamp.		19 Q I mean, it's entirely possible that
16:43:32	20 Q So how do we know that Mr. Bergstein actually	16:46:14	20 Mr. Bergstein and Mr. Jam discussed this account
	21 completed that application?		21 opening, is it not?
	22 A Can you repeat the question? I don't quite		22 A Anything is possible.
	23 understand the connection.		23 MR. WEICHERT: Calls for speculation.
	24 Q He was asking you about that submission to		24 BY MR. WALKER:
16:43:57	25 Deutsche Bank?	16:46:24	25 Q I mean, they were sharing an office. They were
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16:43:59	1 A Yes.	16:46:27	1 friends. They were both involved in Swartz IP. Mr. Jam
	2 Q Presuming that Mr. Bergstein completed that and		2 signed a purchase agreement in this case as vice
	3 sent it into the bank.		3 president of Swartz IP.
	4 And he kept pointing out that Kia Jam was not		4 MR. WEICHERT: Counsel is testifying.
16:44:06	5 on the e-mail and was not mentioned in the document;	16:46:39	5 Do you want to testify or ask questions --
	6 right?		6 BY MR. WALKER:
	7 A Yes.		7 Q Do you think that --
	8 Q Okay. And you remember his earlier questions		8 MR. WEICHERT: -- Counsel?
	9 about how Mr. Bergstein was directing Kia Jam in certain		9 BY MR. WALKER:
16:44:19	10 requests, he would direct him to do things?	16:46:42	10 Q Do you think that it's possible that Mr. Jam
	11 A Correct.		11 was aware of the submission of this account?
	12 Q Okay. Their theory is that Mr. Jam is not		12 MR. WEICHERT: Calls for speculation.
	13 responsible for any of this because it was all		13 THE WITNESS: Am I supposed to say something
	14 Mr. Bergstein, that he's solely responsible for all of		14 now? I'm sorry.
16:44:32	15 this and that he was controlling Mr. Jam so thoroughly	16:46:56	15 BY MR. WALKER:
	16 that Mr. Jam has no liability or fault --		16 Q Yes, ma'am. I'll reask the question.
	17 MR. WEICHERT: Do you want to make your opening		17 Given what you know about the relationship
	18 statement now or is there going to be a question?		18 between Mr. Jam and Mr. Bergstein, and the number of
	19 BY MR. WALKER:		19 business matters that they worked on together, do you
16:44:46	20 Q My question, ma'am, is that if Mr. Bergstein,	16:47:07	20 think it's likely that Mr. Bergstein discussed this
	21 at least according to your knowledge, would sign a		21 account opening with Mr. Jam?
	22 document, would not use a signature stamp for his own		22 MR. WEICHERT: Calls for speculation.
	23 signature, how do we know that Mr. Bergstein even sent		23 THE WITNESS: I don't know what they discussed.
	24 that into Deutsche Bank?		24 BY MR. WALKER:
16:45:04	25 A I don't know.	16:47:22	25 Q Fair enough.

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16:47:23	1 A I was not privy to their meeting so --	16:50:03	1 touch anything. 27.
	2 Q And the simple fact that Mr. Jam is not copied		2 BY MR. WALKER:
	3 on that e-mail doesn't mean that he didn't know about		3 Q Now, again, you were asked about the fact that
	4 it?		4 Mr. Jam was not copied on that e-mail.
16:47:31	5 MR. WEICHERT: It's argumentative.	16:50:18	5 But you -- do you know if whether or not
	6 THE WITNESS: Oh, it doesn't mean anything.		6 Mr. Jam discussed the substance of that e-mail with
	7 BY MR. WALKER:		7 Mr. Bergstein?
	8 Q Thank you, ma'am.		8 MR. WEICHERT: Calls for speculation.
	9 Do you think it's possible that Kia Jam		9 THE WITNESS: I wouldn't know one way or the
16:47:44	10 actually filled that out and used Mr. Bergstein's	16:50:30	10 other.
	11 signature stamp?		11 BY MR. WALKER:
	12 A I think --		12 Q Looking at this e-mail -- Exhibit 29, ma'am.
	13 MR. WEICHERT: Calls for speculation.		13 A 29.
	14 MR. MCGONIGLE: You can answer.		14 Q Again, I'll wait until you find it. I'm sorry.
16:47:57	15 THE WITNESS: I -- I don't think -- I don't	16:50:49	15 A Yeah.
	16 think so. I -- I -- I -- I personally think that this		16 Q And you got it. Okay.
	17 document was filled out by Deutsche Bank.		17 Again, much was made of the fact that Mr. Jam
	18 BY MR. WALKER:		18 did not receive a copy of that e-mail.
	19 Q But they wouldn't have had Mr. Bergstein's		19 But again, do you know whether or not Mr. Jam
16:48:07	20 signature stamp?	16:51:00	20 would have discussed any aspect of the substance of that
	21 A No. They wouldn't have the signature stamp.		21 e-mail with Mr. Bergstein at any time?
	22 Q Okay. Do you think it's possible that Mr. Jam,		22 A I would not know one way or the other.
	23 in assisting Mr. Bergstein, used the signature stamp to		23 Q The fact that Mr. Jam is not on these e-mails
	24 submit those documents?		24 doesn't necessarily signify that he didn't know about
16:48:20	25 MR. WEICHERT: Calls for speculation.	16:51:13	25 the substance of the e-mails; is that correct?
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16:48:21	1 THE WITNESS: Do -- you think that -- you --	16:51:17	1 MR. WEICHERT: It's argumentative.
	2 you -- do -- I'm -- I'm sorry. Again, if I was not		2 THE WITNESS: I don't know what he knew.
	3 there at that time, I was not in the office, the office		3 BY MR. WALKER:
	4 manager was there, Steven Piskula, he had access to the		4 Q Well, I guess my point is the fact that he
16:48:44	5 stamp.	16:51:23	5 wasn't copied on the e-mails doesn't mean that
	6 BY MR. WALKER:		6 Mr. Bergstein didn't discuss the substance of those
	7 Q Did Mr. Jam also have access to the stamp?		7 e-mails with Mr. Jam --
	8 A Not that -- I don't -- he, himself, I don't		8 MR. WEICHERT: Speculation. Argumentative.
	9 think so.		9 BY MR. WALKER:
16:48:54	10 Q From time to time, he did possess the stamp,	16:51:35	10 Q -- is that correct?
	11 didn't he?		11 A It doesn't say anything about whether he knew
	12 A I don't know about that.		12 or whether he didn't know. He was just not copied on
	13 Q Okay. Thank you.		13 the e-mail. And I don't know what their conversations
	14 Looking at Exhibit 27, that is the November 17,		14 was about.
16:49:10	15 2011 e-mail?	16:51:46	15 Q Thank you, ma'am.
	16 A Hold on one second. I'm sorry.		16 If you could look at Exhibit 31, ma'am.
	17 Q Yes, ma'am. Take your time.		17 A Yes. 31.
	18 A I need -- I need to arrange this.		18 Q Now, you were asked about those five Wells
	19 Oh, where is 27?		19 Fargo checks that we looked at, the first one being made
16:49:28	20 MR. MCGONIGLE: It was -- it was right behind	16:52:25	20 payable to cash on the counter check, and the last two
	21 26. It should be right here. Hold on a second.		21 were made payable to Integrated Administration.
	22 THE WITNESS: It's not here.		22 Do you recall those?
	23 MR. MCGONIGLE: Here it is. It's stuck on this		23 A Yes.
	24 one.		24 Q And do you recall that the signature on the
16:50:02	25 THE WITNESS: 27. Okay. I'm not going to	16:52:35	25 last two that were paid to Integrated Administration --

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<p>16:52:37 1 correct me if I'm wrong, because I believe you testified 2 that you weren't sure whether or not those were actually 3 Mr. Bergstein's signature. 4 A I said that I -- yes. I was not sure that 16:52:49 5 those were. I -- I could not -- I would not say for 6 100 percent that those were his signatures. Yes, I said 7 that. 8 Q And going to Exhibit 32. 9 A Yes. Exhibit 32. 16:53:25 10 Q You were asked about this particular real 11 estate transaction? 12 A Yes. 13 Q In the normal course of your business, did you 14 have occasion to have any information or knowledge about 16:53:34 15 this transaction? 16 A Can you explain, please? 17 Q Yes, ma'am. 18 As of March 13, 2012, when this e-mail was sent 19 by Mr. Bergstein, is the normal part of your duties 16:53:49 20 working at the Colorado Boulevard address, did you have 21 occasion to know anything about this transaction? 22 A Not -- not really. I mean, it was -- it -- it 23 was -- he wasn't doing real estate back then. 24 Q Did you have anything to do with anything 16:54:11 25 mentioned in Exhibit 32 at the time that this e-mail was</p>	<p>16:55:27 1 Q -- do you agree that the best indication of 2 what happened to the money in those two accounts, where 3 the money was directed, who it was paid out to, that 4 sort of thing, that the best indication of that would be 16:55:39 5 the actual bank records for those two accounts? 6 MR. WEICHERT: It's argumentative. 7 THE WITNESS: I wouldn't know wherever else to 8 get it from. 9 BY MR. WALKER: 16:55:49 10 Q The bank records would be an accurate 11 reflection of checks that were issued, for example; 12 correct? 13 A Yes, and the statements. 14 Q The -- the bank statements and the bank records 16:56:01 15 would be an accurate reflection of wire transfers that 16 were sent out from those two accounts; correct? 17 A Yes. 18 Q The bank records and bank statements for both 19 the Swartz IP, Wells Fargo account, and the Swartz IP 16:56:16 20 Deutsche bank account would be the best -- most accurate 21 record of the amount of each payment and the recipient 22 of each payment; correct? 23 A Can I ask a question? 24 What would the another option? 16:56:31 25 Q I -- I'm -- I'm not aware of one, but I'm just</p>
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<p>16:54:17 1 sent? 2 A You mean -- 3 Q Did you know about it? Did you facilitate it? 4 Did you have anything at all to -- to do with this 16:54:32 5 particular real estate transaction at the time that this 6 e-mail was sent? 7 A I don't -- I don't re- -- recall. I really 8 don't recall. It's possible that I did. I did 9 something with it. Maybe -- maybe documents were sent. 16:54:47 10 I don't know. I really don't remember. 11 Q Do you agree that the best indication of where 12 the money went and to whom it was directed that was 13 contained in the Deutsche bank account and the Wells 14 Fargo account that Swartz IP had, that the best 16:55:09 15 indication of where that money went in those two 16 accounts would be in the bank records themselves? 17 MR. WEICHERT: It's vague and ambiguous. Also 18 argumentative. 19 THE WITNESS: I don't understand the questions. 16:55:17 20 I'm sorry. 21 BY MR. WALKER: 22 Q With res- -- with respect to the Swartz IP 23 Deutsche bank account and the Swartz IP Wells Fargo 24 account -- 16:55:26 25 A Yes.</p>	<p>16:56:32 1 trying to -- do you agree with the -- the bank records 2 are the best evidence of -- 3 A That's -- that's where I would look first -- 4 Q Okay. 16:56:39 5 A -- if I was going to try to reconcile an 6 account. 7 Q Okay. 8 A If I was. 9 Q Have you ever looked at the bank records for 16:56:46 10 Wells Fargo and Deutsche Bank to see how much money was 11 paid out to Integrated Administration from those two 12 accounts? 13 A Maybe -- maybe when discovery was done. It's 14 very possible. But I really don't remember. 16:57:06 15 Q Did you ever analyze the Swartz IP Deutsche 16 bank account to determine how much, if any, of that 17 money went to Kia Jam directly? 18 A If it was done during discovery, then the 19 account was reconciled. Maybe I looked at it. It's 16:57:26 20 possible. But I don't -- I don't really remember. 21 Q But whatever the records reflect, you agree 22 that the bank records themselves would be the most 23 accurate records of what happened to the funds held in 24 each of those two accounts; correct? 16:57:42 25 MR. WEICHERT: Asked and answered multiple</p>

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<p>16:57:43 1 times. Argumentative multiple times. 2 THE WITNESS: So I'm not saying anything? 3 MR. WEICHERT: No. You can answer. 4 BY MR. WALKER: 16:57:50 5 Q You can answer. 6 MR. MCGONIGLE: You can answer again. 7 Coun- -- Counsel, you should know this by now, 8 anyway. 9 MR. WEICHERT: Making his point. 16:57:56 10 MR. MCGONIGLE: You can go ahead and answer. 11 THE WITNESS: Okay. Okay. 12 MR. WEICHERT: Maybe you want to come back 13 tomorrow. 14 THE WITNESS: Can you repeat the question? 16:58:03 15 BY MR. WALKER: 16 Q Yes, ma'am. 17 You agree that the bank records for the Swartz 18 IP Wells Fargo account and the Deutsche Bank account are 19 the best record of how the funds in those two accounts 16:58:15 20 were paid out and to whom they were paid? 21 A I think the bank records are the only records 22 that I would look at and trust if it came to any kind of 23 transactions that I was trying to reconcile. 24 MR. WALKER: Thank you, ma'am. 16:58:30 25 We'll pass the witness.</p>	<p>16:59:57 1 correct? 2 A To the best of my knowledge, yes. I don't 3 think so. 4 Q You never saw Kia Jam use David Bergstein's 17:00:04 5 signature stamp; correct? 6 A I did not see anybody. I mean, I -- I -- I saw 7 myself using it. The office manager, Steven Piskula. 8 Q Is there any indication in Exhibit 26 that Kia 9 Jam had any involvement in the preparation of any of 17:00:20 10 these documents? 11 A Well, his name is not mentioned on it. 12 Q The last two pages of the documents, the last 13 page is David Bergstein's driver's license. 14 Did Kia Jam, at any point in time, did you 17:00:41 15 know, have any possession of David Bergstein's driver's 16 license? 17 A That's actually very possible as much as I 18 am -- am -- because they were traveling together. So 19 it's very possible that I gave him a copy of the 17:00:56 20 driver's license. 21 Q All right. And with regard to the passport, 22 did David give Kia a copy of his passport? 23 A I may have given it. 24 Q A copy of his passport? 17:01:07 25 A When they were -- because they were traveling</p>
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<p>16:58:31 1 EXAMINATION 2 BY MR. WEICHERT: 3 Q So with regard to the bank records, I'm just 4 following up really briefly. 16:58:37 5 If there was a wire transfer out of the 6 account, the person who actually originated that wire 7 transfer necessarily wouldn't show up in the bank 8 records; correct? 9 A I don't know -- do you mean who initiated the 16:58:53 10 wire transfer? 11 Q So if you are on an account and David Bergstein 12 gives you a direction to initiate a wire transfer, the 13 bank records would show that you initiated it even 14 though it was David Bergstein's instruction to you; 16:59:05 15 correct? 16 A I am not -- I'm not assigned on any of the 17 accounts. 18 Q Okay. So if you look at the bank records and 19 you're the sole signer of the account, that will show -- 16:59:17 20 withdraw that question. 21 A Okay. 22 Q Let's go to -- back to Exhibit 26. 23 A Go ahead. 24 Q I believe you testified that Kia Jam did not 16:59:54 25 have access to David Bergstein's signature stamp;</p>	<p>17:01:09 1 together. 2 Q When they were traveling -- 3 A So it's very important. When they were 4 traveling. Because they did. 17:01:12 5 Q The document -- the first page of Exhibit 26 6 indicates that you were sending a number of documents to 7 Deutsche Bank including David Bergstein's passport and 8 driver's license. 9 Do you see that? 17:01:29 10 A Yes. 11 Q And -- 12 A Yes. Yes. 13 Q Would you have gotten David Bergstein's 14 passport and driver's license from Kia Jam? 17:01:38 15 A I think we had a copy of his driver's license 16 and his passport in -- in the records. 17 Q And which records are those? 18 A I think I -- in my records. 19 Q Your records? 17:01:49 20 A Yes. 21 Q And that's where you obtained the copies at the 22 back of Exhibit 26? 23 A You mean this particular record, they could 24 have been also e-mailed to somebody and I would have 17:02:01 25 taken a copy of that e-mail.</p>

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17:02:02	1	Q All right. But it was you who provided the	17:03:22	1	THE WITNESS: Thank you.
	2	picture?		2	MR. MCGONIGLE: Okay. But -- but I'll give
	3	A According to this e-mail? Yes. It listed		3	you -- after that -- once she gets it, once we receive
	4	here.		4	it after 30 days, I'll give you a prompt notice of all
17:02:10	5	Q So you provided the passport page as well as	17:03:29	5	the changes, if any, she's made, and also the fact that
	6	the driver's license page?		6	she signed it under oath. And I'll send the original to
	7	A Yes. According to this e-mail, absolutely,		7	Mr. Walker. He can retain custody of it.
	8	yes.		8	MR. WALKER: Okay. Yeah. And we will reserve
	9	Q And Kia Jam did not; correct?		9	the right to use an unsigned copy for any purpose with
17:02:20	10	A I don't think so.	17:03:42	10	the court.
	11	MR. WEICHERT: Nothing else.		11	THE WITNESS: If I'm not signing this in
	12	MR. WALKER: I have nothing else.		12	30 days; is this correct?
	13	MR. WEICHERT: So should we enter into a		13	MR. WALKER: Well, you -- you -- you have the
	14	stipulation about --		14	30 days to review it and sign it.
17:02:34	15	MR. MCGONIGLE: Want to just send it --	17:03:51	15	THE WITNESS: Okay. From the time we
	16	MR. WEICHERT: -- the transcript?		16	receive --
	17	MR. MCGONIGLE: It would be easier to send --		17	MR. WALKER: Regardless of what I do with it.
	18	MR. WEICHERT: What do you want to do?		18	THE WITNESS: Okay. From the time you receive
	19	MR. MCGONIGLE: -- the transcript to her and		19	it?
17:02:38	20	she'll review it and sign under oath.	17:03:57	20	MR. WALKER: Sure. That will be fine. We just
	21	I guess you originally want it to go back to		21	need to get it back, you know, at some point.
	22	you?		22	MR. MCGONIGLE: Okay. Okay.
	23	MR. WALKER: Yeah.		23	THE WITNESS: All right.
	24	MR. MCGONIGLE: Or let the witness hold it		24	MR. MCGONIGLE: All right.
17:02:42	25	or --	17:04:06	25	MR. WALKER: Thank you.
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17:02:44	1	MR. WALKER: No. No. We want it to go back to	17:04:09	1	THE VIDEOGRAPHER: This concludes today's
	2	us.		2	proceeding in the deposition of Frymi Biedak. Four DVDs
	3	MR. MCGONIGLE: Okay.		3	were used. The time is 5:04 p.m. We're now off the
	4	MR. WEICHERT: How long do you want to give the		4	record.
17:02:48	5	witness to review and sign?	17:04:27	5	(The proceedings were concluded
	6	MR. MCGONIGLE: Well, will it be okay is just		6	at 5:04 p.m.)
	7	relieve the court reporter of her duties under the		7	---o0o---
	8	California code --		8	
	9	MR. WEICHERT: Yes.		9	
17:02:56	10	MR. MCGONIGLE: -- with respect to having the		10	
	11	witness sign the original under oath, and also her duty		11	
	12	to retain the original signed transcript.		12	
	13	You can send the certified -- or the original		13	
	14	transcript to me, and I'll have the witness review it,		14	
17:03:06	15	make any changes she deems appropriate and sign it under		15	
	16	oath.		16	
	17	And if you could do that in 30 days from		17	
	18	receipt?		18	
	19	MR. WALKER: Well, we'd like to have it		19	
17:03:15	20	quicker, obviously. But we'll reserve the right to use		20	
	21	an unsigned copy --		21	
	22	MR. MCGONIGLE: Okay.		22	
	23	MR. WALKER: -- in lieu of the signed copy.		23	
	24	THE WITNESS: Can I have 30 days, please?		24	
17:03:22	25	MR. WALKER: Yes, ma'am.		25	

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17:04:27 1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF _____)
4
17:04:27 5 I, FRYMI BIEDAK, say I have read the
6 foregoing deposition and declare under penalty of perjury
7 that my answers as indicated are true and correct.
8
9
17:04:27 10 _____
11 (Date)
12
13 _____
14 (Signature)
15
17:04:27 16
17
18
19
17:04:27 20
21
22
23
24
17:04:27 25

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1 I, Sandra Mitchell CSR No. 12553, Certified Shorthand
2 Reporter, hereby certify that:
3 I am authorized to administer oaths or affirmations.
4 (Cal. Code of Civ. P. Sec. 2093 (b) and Fed. R. Civ. P. 28(a)).
5 The foregoing proceedings were taken before me at the
6 time and place therein set forth, at which time the witness
7 was duly sworn by me. (Cal. Code Civ. Proc. 2025.330(a),
8 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).
9 The foregoing pages contain a full, true and accurate
10 record of all proceedings and testimony. (Cal. Code Civ.
11 Proc. 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).
12 I am not a relative or employee of the parties,
13 nor financially interested in the action. (Cal. Code Civ.
14 Proc. 2025.320(a)).
15 Before completion of the proceedings, review of the
16 transcript [x] was [] was not requested. If requested,
17 any changes made by the witness (and provided to the reporter)
18 during the period allowed, are appended hereto.
19 (Fed. R. Civ. P. 30(e)).
20 I declare under penalty of perjury under the laws of
21 California that the foregoing is true and correct.
22 Dated this 29th day of March, 2019.
23 _____
24 Sandra Mitchell
25 C.S.R. No. 12553

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